

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JANUARY 22, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission

- Richard Howe, Chairman
- Travis Godon, Vice-Chairman
- Ian Bullis, Commissioner
- Shane Bybee, Commissioner
- Laurie L. Carson, Commissioner
- Nichole Baldwin, Clerk of the Board
- Susan Lujan, Deputy Clerk

County Officials

- Mike Johnson, IT Specialist
- Tim Bunch, Human Resources Director
- Mike Wheable, District Attorney
- Bryan Pyle, Deputy District Attorney
- Lori Romero, Library/Sr. Center Director
- Scott Henriod, WPC Sheriff
- Elizabeth Frances, Finance Director
- Desiree Barnson, Social Services Director
- Bill Calderwood, Public Works Director

Also Present

- Geri Wopschall
- Kay McMurray, Animal Control Board
- George Chachas, KGTV-10
- Nicole Bolton, USDA-Forest Service
- Leslie Riley, BLM
- Rod McKenzie
- Carol McKenzie
- Jill Perez, Ely Shoshone Tribe
- Mary Kerner, PLUAC
- Steven Carter, Water Advisory Committee
- Jose Noriega, USDA-Forest Service
- Bill Miller
- Erin Rajala, USDA-Forest Service
- Mike Coster
- Jacob Carter, PLUAC

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Chairman Richard Howe called the meeting to order at 9:06 a.m. Commissioner Shane Bybee led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

Ms. Nicole Bolton, of the Forest Service, advised she is grateful for the City and County parks. She had occasion to visit Steptoe Park recently, where she saw the elm trees on the west side were in very sad shape; they needed trimming. Both she and her husband are members of the Ely Tree Board, and they've often trimmed the trees around the Park. However, whoever was authorized to trim them, it wasn't done properly, as she explained. In fact, "the elms have been condemned to a slow death." Pollarding—the practice of pruning a tree by removing the upper branches—is done on fruit trees, and is NOT to be done on elm trees. She requested that whoever is authorized to trim the trees in the Parks, to please utilize the Ely Tree Board in the future.

Mr. George Chachas cited his November 13<sup>th</sup> letter of last year requesting information, which has yet to be addressed. He asked if the Board has signed a non-discriminatory clause when applying for grants, etc. The Building Inspector used the City/County vehicle for personal use, citing a trip to Eureka on September 13, 2019 in Eureka with his wife. Chairman Richard Howe advised the matter is being looked into. Mr. Chachas next asked about repealing the regulations regarding dog licensing, and asked where the revenue would come from. He also cited the vandalism to his property on High Street, noting he has yet to be reimbursed for that. The Building Inspector is also not enforcing noise/nuisance regulations at the junkyard at the west end of town, next to a multimillion dollar hotel. He had a question regarding the salary rate for the legal assistant; is it for a legal

assistant, or for legal assistance? It wasn't clear to him from the agenda item. He also pressed for other issues, but time was called.

Ms. Kay McMurray introduced herself as Chairman of the Animal Control Board, which consists of 2 County representatives and 3 City representatives. She advised they were never contacted on this Ordinance to repeal dog licenses. She noted that license tags provide quick identification of a dog; licensed dogs tend to be in the shelter longer than the others, and are the last to be euthanized. If there's no way to contact the owner, then the dogs must be euthanized. She reported 14 citations during 2019; 5 were dismissed by the Prosecution, 3 were paid in full; she explained the others briefly. Perhaps more citations could be issued as a possible revenue source.

Mr. George Chachas felt a better sound system should be installed, so people like himself could hear the meetings more clearly.

At 9:10 a.m., Chairman Richard Howe recessed the regular County Commission meeting and opened the Road Commission meeting. At 9:20 a.m., Road Commission Chairman adjourned the Road Commission meeting and reconvened the regular County Commission meeting.

### 9:30 A.M. - PROPOSED ORDINANCE

DISCUSSION/FIRST READING: FIRST READING OF ORDINANCE 508, BILL NO. 01.22.2020, AN ORDINANCE AMENDING CHAPTER 8.04 OF THE WHITE PINE COUNTY CODE, REPEALING THE EXISTING REGULATION THAT A DOG OWNER MUST LICENSE THE ANIMAL

Commissioner Travis Godon clarified that while he doesn't have a vested interest in this, he pointed out that law enforcement is dealing with the drug cartel and here we're doing fairly little things, like dog licenses. He added he gets it because we are rural. District Attorney Mike Wheable noted there are other Ordinances out there that address dog issues. Commissioner Godon continued that the net revenue from dog licenses is about \$600.00/year, less administrative costs; we're losing money on this. On the one hand, he noted, we're trying to make White Pine County a "freedom and liberty" place to live, so what are we trying to do here? He didn't feel from that perspective we really need this. Commissioner Ian Bullis felt that it's pretty common for pet owners to have name tags/identification tags on pets, whether or not it's enforced; responsible pet owners will do this whether they are charged a fee or not. He agreed with Commissioner Godon, that this is just another thing we're wasting our time on. Commissioner Laurie Carson advised she had discussed this with Ely Mayor Nathan Robertson, and we did have an agreement with the City; she felt it was appropriate we contact the Mayor on this for some feedback as well. His comment was that he didn't feel this was the answer, and that we should abolish it; perhaps there could be a way found to encourage more responsibility. Commissioner Carson noted this would help fund our Animal Control Officer, but perhaps there's a better way. At this point, Commissioner Shane Bybee disclosed his fiancée is Ms. Kay McMurray, and it would be a conflict for him to discuss this; District Attorney Mike Wheable thanked him for the disclosure and agreed he should step away. Chairman Richard Howe pointed out we have a shared agreement with the City, and the Animal Control Officer goes to all our cities and townships in the County. Any funds we can put into the enforcement of Animal Control will show we are participating in this. He added that even a small amount will help the Animal Control Officer, the City, County, and the Sheriff's Dept., in the effort towards animal identification. He felt we should continue to charge for licenses so that it can be enforced. D.A. Wheable noted there are things in this Ordinance that haven't been addressed in this discussion. Commissioner Carson felt that if we do this, she would consider it a lack of responsibility on our part as County managers. Commissioner Bullis clarified that he is in favor of repealing this; his comment meant that responsible pet owners would put contact information on their pets, and an enforced license isn't the answer. At this point, WPC Sheriff Scott Henriod was asked for his opinion: No matter which way the Commission decides, he felt leaving the "dogs at large" portions in the Ordinance, as well as tracking vaccinations, with rabies being the foremost concern, and in fact it's mandated in the licensing process. He asked the Board to pay specific attention to those two items when they adjust/modify this Ordinance. He added that Ms. McMurray is correct, we get a lot of dogs back to their owners using the licensing method. Penalties are also included in there, as well. Commissioner Carson noted there's still money going into the County coffers, and she doesn't agree with this. Commissioner Bullis advised the principle here isn't financial, but rather it's the government not thinking they need to micromanage. He didn't feel this would really fix problems, and cited the

number of citations issued compared to the number of animals in the County. Commissioner Godon pointed out that our Governor wants to try to enforce background checks on firearms, and he felt this is much the same; Commissioner Carson stated that analogy is way too far; Commissioner Godon still doesn't agree with this. D.A. Wheable read the text title into the record. Chairman Richard Howe added a final comment, that vaccinations of animals is very important, and if this forces people to prove those vaccinations by licensing, then that part of the Ordinance is an absolute must.

**9:45 A.M. – LIQUOR BOARD MEETING**

DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF A LIQUOR LICENSE FOR FISHING DERBY TO BE HELD AT CAVE LAKE ON JANUARY 25, 2020

At this time, Chairman Richard Howe advised the Liquor Board meeting slated for 9:45 a.m. has been cancelled, because the event isn't going to take place.

**10:00 A.M. – CLOSED PERSONNEL SESSIONS**

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF A MOTION TO CLOSE THE COUNTY COMMISSION MEETING PURSUANT TO NRS 241.030 TO HAVE CLOSED PERSONNEL SESSIONS FOR DESIREE BARNSON-SOCIAL SERVICES DIRECTOR, BILL CALDERWOOD-PUBLIC WORKS DIRECTOR AND TIMOTHY BUNCH-HUMAN RESOURCES DIRECTOR TO CONSIDER THEIR CHARACTER, ALLEGED MISCONDUCT, PROFESSIONAL COMPETENCE, PHYSICAL OR MENTAL HEALTH IN ORDER TO EVALUATE THEIR JOB PERFORMANCE DURING THE YEAR ENDING JANUARY 2020

Chairman Richard Howe asked the public to vacate the room during deliberations; District Attorney Mike Wheable provided guidance on how the sessions will be held per each person, by their wishes, whether in Open or Closed Session.

The first person was Social Services Director Desiree Barnson; she opted to have a Closed Session. Commissioner Shane Bybee made a motion to close the meeting; Commissioner Laurie Carson seconded. Motion carried. The closed meeting commenced at 10:14 a.m. The closed meeting was duly held.

Commissioner Laurie Carson made a motion to close the Closed Session; Commissioner Ian Bullis seconded. Motion carried; the Closed Session was closed at 10:48 a.m. and the public was invited to return.

At 10:50 a.m., Chairman Richard Howe reconvened the regular Commission meeting.

**10:30 A.M. – NATURAL RESOURCES**

DISCUSSION ONLY: ON THE REQUEST FROM PLUAC AND WAC FOR THE COUNTY TO HIRE A NATURAL RESOURCES DIRECTOR

Commissioner Laurie Carson introduced Mr. Jake Tibbetts, Natural Resources Manager for Eureka County, and advised she had worked with him on numerous items. This agenda item was put on to discuss the value of a Natural Resources Director/Manager, a Department, or some other capacity; she added that both PLUAC and WAC concur with this idea. Natural Resources Manager Jack Tibbetts appreciated the opportunity to come before the Commission today to discuss these items. He provided some background on this; the Natural Resources person in Eureka County was instituted in the early 1990s, at which time grazing regulations were revised, the economy was taking a downturn, and there was a general depression of natural resource uses; more stringent regulations were a result. He cited the handout and his Position Description, noting that in the past Eureka had hired independent contractors; recently Eureka County made him an employee. In that capacity, he brings to his Commission such things as a policy plan, land use plan, permitting, NEPA, etc. for their consideration. It was noted that when gold prices are good, it's great, it's a "boom or bust" situation. Eureka had indexed this position to PILT in order to pay for his services; Eureka receives \$330,000 when PILT is active. White Pine County receives \$1.2 million, but it's understood that "none of that is guaranteed." He also has an Assistant; his office has many facets that require a full Department, as he explained. Manager Tibbetts attended the joint PLUAC/WAC meeting last night, and observed that there were so many common issues, perhaps a shared position might be an option. He advocates that counties, especially the rurals, should have a Natural Resources program; the Commission needs to determine what would be best for White Pine. In response to a

query from the Board, Manager Tibbetts advised that his Administrative Assistant takes care of agendas, minutes, etc. He added that he'd be happy to provide information on common issues whenever possible, and should we hire a Natural Resources person he'd be willing to assist them as well. He noted that when there was an EDC office in White Pine County, they went through the NEPA and EIS process to respond and provide comments; he was uncertain who was doing that for us now. He added that there's a need here for such a person; "we should be safeguarding anything that the County has or owns." Insofar as PILT funds are concerned, he felt that 1/10<sup>th</sup> of a PILT payment would cover such a person. Finance Director Elizabeth Frances advised that 100% of PILT funds we receive goes directly into the General Fund, and it's utilized for operations. She explained that if you increase a position, you must decrease somewhere else in the budget. She recommended the Board include a Natural Resource person as part of the FY2021 budget process, and then determine how they would like to proceed. She asked if 2 people would be required; Manager Tibbetts felt it was possible to do it with just 1 position. It was when he took on additional duties, such as managing the Weed Control District, that it became obvious another person would be needed. Chairman Richard Howe advised our Deputy District Attorney, Bryan Pyle, does much of the Natural Resource work for us; he made this comment with the intent of being prudent with the County's funds. In his opinion, we should do information gathering with respect to this prior to the budget process. District Attorney Mike Wheable noted there's lots of things Deputy D.A. Pyle has been asked to do; the Natural Resources portion was just one portion of his duties. Commissioner Shane Bybee noted that after public safety, our second priority is to ensure we have a program to safeguard our natural resource interest; while there are always budgetary issues with respect to this, he feels that in the big picture having someone in this position would be well worthwhile. Commissioner Travis Godon asked what our constituents want; he attended the meeting last night and the ranchers, miners and farmers were 99% in favor of this position, provided it's the right person and they can work with the District Attorney and Manager Tibbetts. He could support this, but added if there's a huge economic downturn it could go away. He added that if something isn't regulated yet, it probably will be soon, and by going forward with this we would have a place at the table, at the local level. Chairman Richard Howe agreed with the budgetary comments and also having the right person; he felt we should take a strong look at this to find out if this should be done, and if so, it is imperative that the right person should be in this. Director Frances noted this would be part of the FY2021 budget process, if it is approved.

#### DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO COMBINE PLUAC AND WATER ADVISORY COMMITTEE INTO ONE NATURAL RESOURCE BOARD

Commissioner Laurie Carson noted this is only at the discussion stage; she felt it would be appropriate to have someone in place for this, a Natural Resources person, who could make themselves familiar with the issues. This was also the consensus of both PLUAC and WAC, she advised; if we don't get a Natural Resource person, they we would probably have to keep both PLUAC and WAC intact. Manager Tibbetts pointed out that the Natural Resource Commission covers water issues, public lands issues, etc.; they are all one Board. Commissioner Carson cited such issues as water, weeds, public lands, etc. that Manager Tibbetts covers; there needs to be a designated person who has the expertise to look at the Kennecott test wells, for example, which we were unaware of and "went under the radar."

#### 11:00 A.M. – PLUAC

#### DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO CREATE A STEERING COMMITTEE THROUGH CRM TO START DEVELOPMENT OF A WHITE PINE COUNTY OHV MANAGEMENT PLAN ACCORDING TO POLICY 17.1 OF THE WHITE PINE COUNTY PUBLIC LANDS MANAGEMENT PLAN

Mr. Jacob Carter, PLUAC Chairman, cited discussions held last year regarding the Silver State Trail. We're behind other Nevada counties in this, and White Pine County needs an OHV Management Plan. The lands proposed for the SST are currently being used by people for their businesses (such as ranching); we need to have a plan in place to determine how the backcountry roads are being addressed. Private landowners need to be advised regarding the designation of such roads. Commissioner Laurie Carson disclosed she is Chairperson for the Coordinated Resource Management group; District Attorney Mike Wheable felt that was good disclosure, and there's no problem with her taking part in these discussions. Manager Tibbetts continued to note there are economic benefits with this, and also value in preserving the land uses that already exist. It's difficult for a board

that meets once a month to respond to the various public comment periods that are out there; just keeping up with these issues and keeping our lands management in check would make a Natural Resource person valuable to us. Commissioner Richard Howe entertained a motion for approval. Commissioner Travis Godon made a motion to approve creating a Steering Committee through CRM to start a White Pine County OHV Management Plan as requested. Commissioner Ian Bullis seconded. Motion carried.

## ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS

### ELECTED OFFICIALS

#### SCOTT HENRIOD, SHERIFF

DISCUSSION/FOR POSSIBLE ACTION: RATIFICATION TO ACCEPT A GRANT FROM THE US DEPT. OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF \$10,000.00. GRANT FUNDING IS FOR THE DOMESTIC CANNABIS ERADICATION/SUPPRESSION PROGRAM (DCE/SP). THE GRANT IS FOR THE WHITE PINE COUNTY SHERIFF'S OFFICE TO GATHER AND REPORT INTELLIGENCE RELATING TO THE ILLICIT CULTIVATION, POSSESSION, AND DISTRIBUTION OF ILLICIT CANNABIS. NO MATCHING FUNDS WERE REQUIRED

WPC Sheriff Scott Henriod asked if there were any questions from the Board; there were none. He explained that this program allows deputies to use overtime charges as part of the \$10,000 grant funds to look for the illegal marijuana grows. He recalled when we assisted Lincoln County in their problem areas; illegal grows contaminate our soils and leave a giant mess for legal growers. He sees this as an opportunity to be proactive in this matter. Commissioner Laurie Carson made a motion to ratify acceptance of the grant from the U.S. Dept. of Justice Drug Enforcement Administration for \$10,000 for eradication/suppression of cannabis, as requested. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF RESOLUTION 2020-06 STATING WHITE PINE COUNTY'S GENERAL SUPPORT AND CONCURRENCE WITH PLAINTIFF'S POSITION AND LAWSUIT IN NEVADASCAN, ET AL, VS. THE STATE OF NEVADA. THE SUIT SEEKS DECLARATORY RELIEF/JUDICIAL FUNDING THAT NEVADA'S NEWLY ENACTED "RED FLAG" LAW, (AB 291) IS IN VIOLATION OF A NEVADA'S CITIZEN'S 2<sup>ND</sup> AMENDMENT RIGHT, AND/OR THAT THE PROCESS BY WHICH THE "RED FLAG" LAW IS ENFORCED LACKS SUFFICIENT CONSTITUTIONAL DUE PROCESS, AND THEREFORE SHOULD BE HELD INVALID. SEE A COPY OF THE SUIT ATTACHED HEREIN AS BACKUP TO THIS ITEM

Chairman Richard Howe commented that both Sheriff Henriod and D.A. Wheable should comment on this. WPC Sheriff Scott Henriod appreciated the District Attorney's Office's assistance with this matter, and hoped that the Board had the opportunity to read the lawsuit. He noted that AB 291 violates several of our Constitutional Amendments, in his opinion the 2<sup>nd</sup>, 4<sup>th</sup>, and 14<sup>th</sup> particularly. He requested the District Attorney to draft a resolution that we can send to the Governor letting him know that we support the Second Amendment and due process and concur with the lawsuit. AB 291 eliminates due process out of the judicial system, and as such, they shouldn't expect law enforcement to enforce that. Every person should have the opportunity to face their accusers; he requested the Commission support this. Commissioner Ian Bullis thanked Sheriff Henriod and appreciated the way he's handling this; with honor, by taking a strong stance, and being civil. This will leave the door open to other opportunities for people to work with us. Sheriff Henriod noted it will be filed in Carson City and perhaps the Nevada Supreme Court, maybe even the Supreme Court. It's something the courts will need to decide; they need to know we're sending a clear message as to where the Second Amendment stands. Commissioner Travis Godon thanked the Sheriff's Dept. for upholding our rights. Commissioner Shane Bybee noted we have a Sheriff's Dept. and a District Attorney, plus other law enforcement agencies, that can recognize that a law like this "is repugnantly flagrant in the face of our Constitution, and we appreciate you taking a stand." Commissioner Laurie Carson wholeheartedly agreed; due process in this country is important, and shouldn't be ignored. Chairman Richard Howe felt Sheriff Henriod is handling this in the right way, and he supports this. He continued that we are abiding by the law, we aren't refusing to do something, but this Resolution needs to be seriously considered, to make a statement that we don't agree with the law but need to ensure our rights as

citizens are protected as well. Commissioner Shane Bybee noted that as a Commission, we agreed to uphold the Constitution, and this law flies in the face of the Constitution; it's up to us as Americans and patriots, and this law should not be enforced. District Attorney Mike Wheable noted that both he and Sheriff Henriod were sworn to enforce the law; if there's a conflict, we would have to default to the Constitution. Chairman Richard Howe entertained a motion to approve. Commissioner Travis Godon made a motion to approve Resolution 2020-06 stating White Pine County's general support and concurrence with the Plaintiff's position and lawsuit in NevadansCAN, et al, vs. the State of Nevada as presented and discussed. Commissioner Laurie Carson seconded. Motion carried.

Richard Howe, Chairman  
 Travis Godon, Vice Chairman  
 Commissioner Shane Bybee  
 Commissioner Ian Bullis  
 Commissioner Laurie L. Carson

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Nichole Baldwin, Ex-officio Clerk of the Board

White Pine County  
 Board of County Commissioners

WPClerk@whitepinecounty.nv.gov

RESOLUTION NO. 2020-06

**A RESOLUTION OF THE WHITE PINE COUNTY BOARD OF COUNTY COMMISSIONERS  
 DECLARING GENERAL SUPPORT AND CONCURRENCE WITH PLAINTIFFS' POSITION IN  
 NEVADANSCAN, ET AL. VS. THE STATE OF NEVADA.**

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an individual right under the Second Amendment of the United States Constitution and Article I, Section 11 of the Nevada Constitution; and,

WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an inalienable right by the People of White Pine County, Nevada; and,

WHEREAS, during its 80<sup>th</sup> Session in 2019, the Nevada legislature passed Assembly Bill ("AB") 290, that among its other provisions, created what is known as a "red flag law" which can be used to confiscate firearms lawfully owned and possessed by the People of White Pine County, Nevada by use of Extreme Risk Protection Orders; and,

WHEREAS, Plaintiffs in NevadansCAN, et al. v. The State Of Nevada, argue that the "red flag law" component of AB 291 (2019), is unconstitutional in light of the Nevada Supreme Court's recent holding in Anderson v. Eight Judicial Dist. Court in & for Cty. of Clark, 135 Nev. Adv. Op. 42, 448 P.3d 1120 (2019), declaring that the right to keep and bear arms is a fundamental right in Nevada; and,

WHEREAS, the Board of County Commissioners of White Pine County, Nevada, being duly elected to represent the People of White Pine County, Nevada, and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Nevada

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF WHITE PINE COUNTY, STATE OF NEVADA, hereby RESOLVES:

1. That the Board of County Commissioners of White Pine County, State of Nevada, hereby opposes the enactment and enforcement of any legislation which would infringe upon the Right of the People to Keep and Bear Arms, including AB 291 (2019).
2. That the Board of County Commissioners of White Pine County, State of Nevada, hereby supports the general position taken by Plaintiffs in NevadansCAN, et al. v. The State Of Nevada that the "red flag law" component of AB 291 (2019), is unconstitutional.
3. That the White Pine County Clerk, as ex officio clerk of this Board, is directed to prepare and deliver a copy of this resolution to all members of the Nevada State Legislature and to the Office of the Governor of the State of Nevada.

INTRODUCED AND PASSED this 22<sup>nd</sup> day of January, 2020

Approved:   
 Richard Howe, Commission Chairman

Ayes: 5  
 Nays: —  
 Absent: —

ATTEST:   
 Nichole Baldwin, County Clerk

**NICHOLE BALDWIN, COUNTY CLERK**

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF THE RESIGNATION FROM WILLIAM BUTTS FROM CNRWA AND TO SEND A LETTER OF APPRECIATION FOR HIS YEARS OF SERVICE**

Chairman Richard Howe entertained a motion for approval. Commissioner Shane Bybee made a motion to approve Mr. William Butts' resignation from CNRWA, thanking him for his invaluable depth of knowledge during his years of service. Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF THE REQUEST FOR REAPPOINTMENT FROM ROSS RIVERA TO LEPC**

Commissioner Travis Godon made a motion to approve the request for reappointment of Ely City Chief Ross Rivera to LEPC. Commissioner Ian Bullins seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF THE REQUEST OF APPOINTMENT FROM MICHAEL COSTER TO THE AIRPORT ADVISORY BOARD AS AN AT LARGE MEMBER**

Commissioner Ian Bullis made a motion to appoint Mr. Michael Coster to the Airport Advisory Board as an At-Large member. Commissioner Travis Godon seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO ACCEPT THE RESIGNATION FROM GAREY HARRISON FROM THE BOARD OF EQUALIZATION**

Commissioner Shane Bybee made a motion to accept the resignation from Mr. Garey Harrison from the Board of Equalization, and also to thank him for serving faithfully on that Board since 1999. Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF AMENDMENT #1 TO THE INTERLOCAL CONTRACT BETWEEN THE NEVADA SECRETARY OF STATE AND WHITE PINE COUNTY FOR THE ALBERT SENSOR TO EXTEND THE TERM OF THE CONTRACT FROM JUNE 30, 2020 TO AUGUST 31, 2021 WITH NO CHANGE IN COST**

WPC Clerk Nichole Baldwin advised this is equipment that's under contract with the Secretary of State's Office. She explained that they reimbursed us when we purchased it last year. She added it helps to ensure cybersecurity during the election process; it addresses hackers, malware, ransomware, etc., anything that would put the integrity of voting systems at risk. Commissioner Ian Bullis made a motion to approve Amendment #1 to the Interlocal Contract between the Nevada SOS and White Pine County for the Albert Sensor to extend the term of the contract from 6/30/20 to 8/31/21, with no change in cost. Commissioner Travis Godon seconded. Motion carried.

**DEPARTMENT HEADS**

**CAMERON KIRKHAM, DIRECTOR OF EMERGENCY MANAGEMENT**

**DISCUSSION/FOR POSSIBLE ACTION: RATIFICATION OF UNITED WE STAND FY2020 GRANT AWARD FROM NEVADA STATE EMERGENCY RESPONSE COMMISSION IN THE AMOUNT OF \$25,983.00 FOR THE PERIOD DECEMBER 31<sup>ST</sup>, 2019 THROUGH JUNE 30<sup>TH</sup>, 2020 – THE REQUIRED COUNTY MATCH AMOUNT IS \$-0-**

Commissioner Ian Bullis made a motion to ratify the United We Stand FY2020 grant award from SERC for \$25,983.00 for the period 12/31/19 through 6/30/20, with no County match required. Commissioner Shane Bybee seconded. Motion carried.

**TIM BUNCH, HUMAN RESOURCES DIRECTOR**

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF SALARY RATE FOR THE EXECUTIVE LEGAL ASSISTANT PURSUANT TO ARTICLE 8 OF THE COLLECTIVE BARGAINING AGREEMENT AND DIRECTION OF DISTRICT ATTORNEY, MIKE WHEABLE**

Human Resources Director Tim Bunch advised there's been a vacancy for a couple of months in the District Attorney's Office, so he posted the position. There is a concern regarding meeting qualifications for the

position, such as competency, etc. A candidate was selected through the interview process; there were other deciding factors as to why this individual was selected. They are a Notary Public, as well. Commissioner Shane Bybee disclosed that the person they hired is his daughter; he won't be participating in any discussions regarding this individual. District Attorney Mike Wheable noted this had been advertised as salary Steps 1-3, depending on experience; 3 persons were interviewed out of the 11 respondents, and only 2 were qualified. The person hired has 11 years of experience, and they are still being paid several dollars less than the person they replaced; therefore they decided to start this individual at Step 3. Commissioner Travis Godon made a motion to approve the salary rate for the Executive Legal Assistant at Step 3 as requested. Commissioner Ian Bullis seconded. Motion carried, with Commissioner Shane Bybee abstaining from the vote.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO ESTABLISH OR RE-ESTABLISH A SAFETY PROGRAM PURSUANT TO NRS 618.383**

Director Bunch advised the County is required per NRS to have a Safety Committee in place, especially for safety-sensitive positions. The last time a Safety Committee meeting was held was September 2, 2009! He advised he's not advocating himself to be a leader or chairman of such a group, but the County needs to ensure that meetings are held either monthly or quarterly, and attendance should not be optional. There were 6 incidents reported the County in 2019, plus 1 in the Fire District, which was a good minimal impact. However, there's always room for improvement and to mitigate our safety. He's requesting Commission support in this; the Safety Committee will report to this Board. Finance Director Elizabeth Frances wished to clarify the cost to the County of \$6,000 was strictly insurance, and it didn't cost us anything extra. Commissioner Shane Bybee was in favor of this program. Commissioner Ian Bullis made a motion to establish/re-establish a Safety Program pursuant to NRS 618.383 as requested. Commissioner Shane Bybee seconded. Motion carried. Director Bunch will get this moving forward and report back to the Commission; once a Safety Committee person is designated to report back to this Board he will step aside.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO APPOINT COUNTY REPRESENTATIVES FOR NEGOTIATIONS WITH OPERATING ENGINEERS LOCAL 3**

Finance Director Elizabeth Frances recommended the same negotiating team members as had worked with the Sheriff's Dept. Association and the Union of Operating Engineers. The members are Human Resource Director Tim Bunch, Finance Director Elizabeth Frances, and District Attorney Mike Wheable. Commissioner Travis Godon made a motion to appoint Director Bunch, Director Frances, and D.A. Wheable as County representatives for negotiations with Operating Engineers Local 3. Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/APPROVAL TO POST FOR FAIRGROUNDS HOST POSITION TO REPLACE VACATED POSITION BY CEILY HIGHBERGER VIA RESIGNATION NOTICE**

Public Works Director Bill Calderwood and Human Resources Director Tim Bunch received a resignation from Ms. Ceily Highberger from the position of Fairgrounds Host. The Ag. District 13 Board wants to post the position; no changes are being considered to the Job Description or the salary, it was noted. This would be a request to post internally for the position first. Commissioner Travis Godon made a motion to approve posting for the Fairgrounds Host position as requested. Commissioner Laurie Carson seconded. Motion carried.

**ELIZABETH FRANCES, FINANCE DIRECTOR**

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF THE QUARTERLY GRANT REPORTS**

Finance Director Elizabeth Frances asked if there were any questions concerning these reports; there were none. Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to approve the quarterly grant reports as submitted. Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO AWARD BID TO JCR DEVELOPMENT, LLC IN THE AMOUNT OF \$18,275.00 FOR THE ELY OLD SHOP BUILDING DEMOLITION UTILIZING FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT**

District Attorney Mike Wheable noted the typo in the amount, there should be a period in the amount so it would read \$18,275.00. Finance Director Elizabeth Frances noted this could be approved contingent upon CDBG approval of the Abatement Contract; she explained there are parts of the Ely Old Shop Building that need to be overseen prior to its demolition. Commissioner Ian Bullis made a motion to approve awarding the bid to JCR Development, LLC for the demolition in the amount of \$18,275.00, utilizing funds from the CDBG. Commissioner Travis Godon seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: RATIFICATION OF AMENDMENT TO AGREEMENT WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE WHITE PINE COUNTY: SLUM/-BLIGHT PROPERTY ABATEMENT PROJECT TO PROVIDE A TIME EXTENSION THROUGH JUNE 30, 2020**

Director Frances advised this is to extend the grant; it was approved by CDBG so we could perform demolition on the building. She noted this was due to Environmental Assessments required prior to demolition. Commissioner Laurie Carson made a motion to ratify the amendment to the agreement for the WPC Slum/-Blight Property Abatement Project for a time extension as requested. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO PROCEED WITH RE-EVALUATION OF SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT - ROUND 18 PROJECT PRIORITIES INCLUDING POSSIBLE AMENDMENTS TO EXISTING SELECTED PROJECTS AND CONSIDERATION OF NEW PROJECTS**

Finance Director Elizabeth Frances advised the Board had approved Round 18 priorities for SNPLMA and rated them at that time. However, the City of Ely decided to go a different direction with the project that was approved. She noted there will be significantly more funding available in Round 18 so we could possibly expand the project's scope. They will bring back to the February meeting what those changes will be; at that time there might be other projects added that the Board might wish to have considered. She continued that SNPLMA felt that purchasing the land in Phase 1 and developing the land for a park in Phase 2 could be combined. Commissioner Laurie Carson felt the timing would be good to take another look at this. Commissioner Laurie Carson made a motion to proceed with re-evaluation of SNPLMA Round 18 project priorities, including possible amendments to existing selected projects and consideration of new projects, as requested. Commissioner Ian Bullis seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF MONTHLY FINANCIAL REPORTS FOR DECEMBER 2019**

Director Frances cited the backup materials and asked if the Board had any questions. She noted she's working with WPC Treasurer Catherine Bakaric to get the revenues up to date, and she will bring the figures back to this Board. She added that they're working with DevNet with respect to the Treasurer/Finance Dept. software, which should be updated shortly. Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to approve the monthly financial reports for December 2019. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO AMEND THE POLICY FOR THE PURCHASE OF VEHICLES BY WHITE PINE COUNTY TO ALLOW FOR THE PURCHASE OF USED VEHICLES**

Director Frances noted that after this had been placed on the WPC Fire District agenda to amend the policy, she was approached by a Department Head and asked to alter the policy to allow for purchase of used vehicles. Allowing for both new and used purchases will provide more latitude and more cost efficiency for the County, as she explained. Commissioner Travis Godon made a motion to amend the policy for the purchase of

vehicles by White Pine County to allow for the purchase of used vehicles. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF RESOLUTION 2020-04 TO UTILIZE UP TO \$2,500 FROM CONTINGENCY TO COVER THE COST OF UPGRADING THE LIVSCAN SYSTEM TO BE COMPATIBLE WITH WINDOWS 10 AS RECOMMENDED BY THE STATE OF NEVADA**

Director Frances requested this be tabled, explaining there's action being taken at the State level to address this. Commissioner Ian Bullis made a motion to table; Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL TO PROCEED WITH NEGOTIATION WITH CONTRACTOR(S) FOR THE ENGINEERING SERVICES ON THE BAKER MULTI-USE PATH BASED ON RECOMMENDATIONS FROM THE EVALUATION COMMITTEE AND AS APPROVED BY THE NEVADA DEPT. OF TRANSPORTATION**

Director Frances advised she had met with the evaluation group; 5 submittals were received, and they are requesting to negotiate with the top three. Those were: Civil Science, Kimley Horn, and Lumos & Associates. Chairman Richard Howe entertained a motion to approve. Commissioner Shane Bybee made a motion to proceed with negotiating with the contractors for Engineering Services on the Baker Multi-Use Path as requested based on the Evaluation Committee recommendations and as approved by NDOT. Commissioner Ian Bullis seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF RESOLUTION 2020-05 TO UTILIZE \$900 FROM CONTINGENCY TO COVER THE COST OF A SECRETARY FOR THE REGIONAL PLANNING COMMISSION**

Finance Director Elizabeth Frances advised the RPC elected to hold their meetings monthly, in the evenings. We should provide the same as we do for PLUAC and WAC secretarial services, the amount of \$150.00 per month to do the agendas, minutes, etc.; the amount of \$900.00 would be the cost for the remainder of the calendar year. The Contingency balance is currently \$219,422.00. Deputy District Attorney Bryan Pyle asked if the City of Ely is contributing to this; Director Frances advised she hadn't worked on that with the City, this is just so that the RPC can continue with their work. She felt it would be a reasonable request to contact the City for them to contribute as well; the Board agreed. Chairman Richard Howe entertained a motion to approve. Commissioner Laurie Carson made a motion to approve Resolution 2020-05 to utilize \$900 from Contingency to cover the cost of an RPC Secretary. Commissioner Shane Bybee seconded. Motion carried.

**CONSENT AGENDA: DISCUSSION/FOR POSSIBLE ACTION/RATIFICATION OF CORRESPONDENCE SENT ON BEHALF OF THE WHITE PINE COUNTY COMMISSION; APPROVAL OF PAYROLL FOR COUNTY ELECTED OFFICIALS; APPROVAL OF HR TRANSMITTAL FOR PAYROLL CHANGES; APPROVAL OF BUDGET TRANSFERS WITHIN/BETWEEN FUNCTIONS/PROGRAMS WITHIN A FUND THAT DO NOT INCREASE THE TOTAL APPROPRIATION OF THE FUND**

Commissioner Shane Bybee made a motion to approve the Consent Agenda as presented. Commissioner Ian Bullis seconded. Motion carried.

Richard Howe, Chairman  
Travis Godon, Vice Chairman  
Commissioner Shane Bybee  
Commissioner Ian Bullis  
Commissioner Laurie L. Carson

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White Pine County  
Board of County Commissioners

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**Resolution Number 2020-05**

**Resolution to utilize \$900 from contingency to cover the cost of a secretary for the Regional Planning Commission**

Whereas, White Pine County Commission and the City of Ely decided to combine their two separate planning commissions to form one Regional Planning Commission; and

Whereas, the Regional Planning Commission has elected to hold their meetings during the evenings so that staff are not available to take minutes during the meetings; and

Whereas, an available alternative is to hire a secretary for \$150 per meeting to cover the development and posting of meeting agendas as well as attending meetings and completing meeting minutes; and

Whereas, this alternative would result in a cost not to exceed \$900 for the remainder of the fiscal year which was not anticipated or budgeted during the fiscal year 2020 budget process; and

Whereas, there is \$219,422 in contingency available to cover this cost:

Now Therefore Be It Resolved that White Pine County shall utilize \$900 from contingency (001-801-56101-000) to cover the cost of a secretary for the Regional Planning Commission and increase line item (001-101-52915-000) by the same amount.

It Is Further Resolved that the Finance Director shall forward the necessary documents to the Department of Taxation, State of Nevada.

Passed, adopted and approved the 22nd day of January, 2020.

Ayes: 5  
Nays: —  
Absent: —

  
Richard Howe, Chairman of the Board

TEST:

  
Nicholas Baldwin, Clerk of the Board

**NOTICE OF UNTIMED ITEMS**

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF MINUTES FROM THE SPECIAL COUNTY COMMISSION MEETING HELD ON DECEMBER 30, 2019**

Commissioner Laurie Carson made a motion to approve the Special Commission meeting minutes for December 30, 2019 as presented. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: APPROVAL OF A BUSINESS LICENSE FOR LONE MOUNTAIN PARTNERS, LLC FOR A MARIJUANA DISPENSARY**

Commissioner Ian Bullis made a motion to approve the Business License for Lone Mountain Partners, LLC for a marijuana dispensary as requested. Commissioner Laurie Carson seconded. Motion carried.

**DISCUSSION/FOR POSSIBLE ACTION: POSSIBLE MOTION TO CLOSE THE OPEN MEETING FOR DISCUSSION WITH THE BOARD RELATED TO COLLECTIVE BARGAINING PURSUANT TO NRS 288.220**

Chairman Richard Howe entertained a motion to close the Open Meeting. Commissioner Shane Bybee made the motion; Commissioner Ian Bullis seconded. Motion carried. The Closed Session was duly held.

**PUBLIC COMMENT**

Mr. Rod McKenzie, Water Advisory Committee Chairman, advised that their board has nearly completed the update of the White Pine County Water Resource Plan. There were 2 Chapters that were not revised, noted, namely Chapter 8, which as he explained outlines an action plan. He urged the Commission to review that chapter as it outlines the steps to go through in having a Water Resource Department. One major goal was addressed, namely to maintain the environmental quality of water in White Pine County. They also recommend establishing a Natural Resource Department, to provide the staff and expertise required to carry out the Water Resource program. He noted that the last Water Resource Plan was done in 2006! Eureka County's Natural Resource Manager Jake Tibbetts added that in 2017 there was legislation passed that requires every county in Nevada to have a Water Resource Plan; this Commission is the body which would approve such a plan.

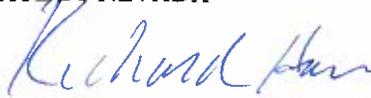
WPC Clerk Nichole Baldwin advised the 3<sup>rd</sup> Annual Law Enforcement Appreciation Night Dinner will be held this Friday at 5:00 p.m. at the Elk's Lodge; she invited everyone to come and honor our law enforcement officers in the County. Dinner tickets are \$15.00/person, and it's a worthwhile event to show our support.

**ADJOURNMENT**

At 12:13 p.m., Chairman Richard Howe entertained a motion to adjourn. Commissioner Ian Bullis made the motion; Commissioner Laurie Carson seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF WHITE PINE  
STATE OF NEVADA

BY:



ATTEST:

  
WPC CLERK OF THE BOARD