

**IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON SEPTEMBER 12, 2018 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA**

The Following Were Present:

County Commission

Richard Howe, Chairman  
Shane Bybee, Vice-Chairman  
Carol McKenzie, Commissioner  
Gary Perea, Commissioner  
Steve Stork, Commissioner  
Susan Lujan, Deputy Clerk

The Following Was Absent:

Nichole Baldwin, Clerk of the Board

County Officials

William Ward, WPC Fire District  
Kristi Rozich, Aquatic Facilities Director  
Lori Romero, Library/Sr. Center Director  
Lance Gale, Airport Manager  
Scott Henriod, WPC Sheriff  
Bill Calderwood, Public Works Director  
Elizabeth Frances, Finance Director  
Bryan Pyle, Deputy District Attorney

Also Present

Brian Swepston, BCT  
Caroline McIntosh, WP Broadband Committee  
Kay McMurray, Ely Times  
Joel Hochhalter, MedX AirOne  
Donna Bath, Senator Dean Heller  
Andy Britton, Fiore Gold  
George Chachas, KGTV-10  
Ross Rivera, Ely Fire Chief  
Ely Mayor Melody VanCamp  
Eric Florio, UNR Business Env. Program  
Mindy Seal, BLM  
Julie Gianoli  
Scott Laity  
Mitch McVicars  
Cody Bliss  
Dan Hamilton  
Jani Ahlvers  
Fred Ahlvers

Clyde Drake  
Jim Hicks  
Thomas R. Hays  
Richard Barber  
Karl Garcia

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Chairman Richard Howe called the meeting to order at 9:02 a.m. Deputy District Attorney Bryan Pyle led the Pledge of Allegiance.

**PUBLIC COMMENT**

Deputy Clerk Susan Lujan read 2 letters into the record, pertaining to the agenda item regarding a hunting Ordinance; from Chris and Jade McVicars, and Teena Dobrescu.

There was another letter she cited pertaining to the agenda item to amend the concession stand agreement for Marich Field; Chairman Richard Howe advised that as the Board and public already have copies, it wasn't required to be read into the record.

Ms. Mindy Seal, BLM, reported that the Goshute fire is currently all but 5% contained, and no issues are expected although high winds are forecasted currently. She thanked Public Works Director Bill Calderwood and his crews for getting the roads back up to standard in that area; she also commended the EMS, who were excellent to work with on that fire.

Mr. Richard Barber, of Baker, who advised he had attended the August 8<sup>th</sup> meeting for the item on Hangar 1. He wished clarified that at that meeting, the Board members present—Commissioner Steve Stork wasn't in attendance for that meeting—had agreed they didn't think it appropriate to move the current pilots out of Hangar 1. Chairman Richard Howe confirmed that, and added that he had spoken to Airport Manager Lance

Gale, who had advised him that due to the construction at the Airport, the Airport would be closed for 10 days, and the Ely Jet Center will be moving their airplane into Hangar 1. He added that plane is identical to the MedX AirOne airplane.

**Susan Lujan**

**From:** Jade Gelskey <gelskeyjade@gmail.com>  
**Sent:** Monday, September 10, 2018 6:44 PM  
**To:** White Pine County Clerk, Susan Lujan, Commissioners  
**Subject:** September 12 Meeting Agenda Item

Greetings,

We would like to request that the following be read during the September 12, 2018 White Pine County Commission Meeting during public comment.

This is in reference to the letter titled "RE: Hunting in proximity of residences in the county", dated August 20, 2018 and submitted to the commission on August 29, 2018 as an agenda item for the September 12, 2018 commission meeting.

We signed this letter because of the obvious safety concerns, and we believe a policy should be enacted to protect people from inappropriate shooting or hunting activities within proximity of congested residential areas.

Upon further review of the letter, we believe the buffer distance prohibiting shooting within 2 miles of any residences within the county is unreasonable. A 2 mile buffer would restrict shooting and hunting across a very large portion of the county, including many areas where people have safely shot and hunted their entire lives. The intent behind this letter is great, but the restricted area must be reasonable.

If the Commission were to draft a policy, language must be included to ensure we protect areas which need protecting, but we do not unnecessarily limit shooting and hunting in rural, uncontested areas. This policy should focus on cities, towns, and unincorporated portions of the county which are heavily populated, but should not affect the more rural areas of the county. Additionally, shooting ranges and other such areas should be exempt.

In 2013, Washoe County passed a congested shooting ordinance (Washoe County Code 50-094 - 50-154) which is focused on areas where discharging firearms would pose the greatest risk to people. Their policy also delineates separate buffer distances for different firearms. Their policy could provide a reasonable starting point for ours.

Any restrictions should be accompanied by a map which specifically outlines areas where shooting is prohibited or reasonably restricted. That map should be reviewed by the public prior to enacting a policy, and should be easily amendable.

Thank You for your time

Sincerely,

Chris and Jade McVicars

To: White Pine County Board of County Commissioners

Thank you for the opportunity to offer input on this item. Unfortunately, I am out of State and unable to attend.

As you know, the issue of "Town Bucks" is one that is occurring more often, with wildlife moving into populated areas. Many people enjoy seeing these deer, I know we do. The bucks get big feeding on grass and fruit trees in yards and generally not pressured by hunters. These animals are easy prey and everyone knows it. A few weeks ago several people associated with a local guide service were hunting and spotting right behind our house. This is an area that many people hike and walk on a daily basis. The safety concern is obvious.

I am writing to request that you consider some limitation on shooting a bow near residences adjoining the city of Ely boundaries without landowner permission.

I do not hunt, but my husband and son's do. I do not want to restrict hunting or shooting a bow or weapon anywhere else in the County. My only concern in this entire matter is the safety of the people and their pets walking or hiking around Ely.

Thank you

Teena Dobrescu

Mr. Matt Walker, WBR Hospital, advised that he is in support of bringing more internet access/fiber into the County; the Hospital District was in consensus regarding this. He added that they've had a hard time recruiting; a person was hired and after one week he quit, since he "was a gamer and not able to maintain the speed he required" for the games!

Mr. Richard Bustos lives on the hillside of Squaw Peak; he addressed the hunting Ordinance issue. He felt the Ordinance should be focused more on shooting than hunting, and was surprised that we don't have a shooting Ordinance already in place. He thought that a 2-mile buffer area was stretching it, but there needs to be one in place, at a reasonable distance whereby people could feel safe. He cited Washoe County has a 5,000-foot distance for their buffer, and noted many people can shoot 3,000 feet with no problem.

Ms. Julie Gianoli thanked the Board for developing a hunting Ordinance, noting it's a matter of public safety. Those who have signed the letter (in the backup materials) have homes on Squaw Peak, and people are asking why this is a concern now. These animals are seeking refuge in populated areas and are losing their natural fear of people, which she feels is leading to unfair hunting practices. She isn't opposed to hunting, but hunting these "town animals" in close proximity is a problem. She asked to have shooting/discharging weapons in close proximity to neighborhoods and single-dwelling areas be addressed in the Ordinance.

Mr. John Gianoli also spoke to this, noting it's simply a public safety issue. The Commission's most important charge is public safety; it's unfortunate that more of these animals have found their way into properties due to drought, feed availability, etc. and there are some people who have chosen to hunt them. He felt most people would agree that hunting them is inappropriate, and goes against ethics/sportsmanship. When that happens, he continued, it forces the local governments to intercede. He's an avid hunter; however, he didn't hunt in his backyard, which is Area 12. People become endangered and it's this Board's responsibility to take care of public safety. It's also the District Attorney's charge to draft an Ordinance with respect to this need for public safety. He concluded by noting that they don't want areas taken away from the hunters, but an Ordinance should be in place countywide, in his opinion.

Mr. Brian Barnson, Ruth resident for 50 years, advised that in Ruth there's archery targets in virtually everyone's backyard. In all that time, he noted, no one has been hit in their own backyard. He stated that it is legal to use the bow in your own backyard; he asked that the Board not turn White Pine County into another Lake Tahoe.

Mr. George Chachas cited an NRS regarding the illegality of shooting anywhere near any highway, which is currently in place. He then asked about Commissioner Gary Perea's liquor license application, made 12 days after the event; also, does he have a Federal tax stamp? Do the others on the Liquor Board agenda have their stamps? Mr. Chachas continued that the agenda item pertaining to the purchase of County-owned real property should be denied. He then asked the District Attorney's office what particulars regarding the Business License are they concerned about. Also, in order to consider compensation for employees, to be competitive in rural counties, first we need to enhance the places they will be coming to here in White Pine County. Along those lines, Main Street needs to remain at 4 lanes. Mine traffic, big trucks, etc. will be coming through as always, and their presence would discourage elderly folks from driving downtown to shop. He noted the upcoming congestion, always expected when lanes shrink, is no advantage to safety whatsoever. Last, he advised an impact study regarding rate increases for anything over 2% is required for Ely Disposal prior to the increase.

Mr. Rod Conner wanted to clarify that the District Attorney would draft rules/regulations with respect to distances for shooting, to define the distances, if there's a remote building in the valley within a 2-mile radius, what could be written for that? He suggested asking some of the citizens how that could be formulated. Chairman Howe advised these options will be discussed today, and the pertinent agenda item will be taken directly after the Fire Commission meeting.

At 9:26 a.m., Chairman Richard Howe recessed the regular Commission meeting and opened the Fire Commission meeting. At 9:30 a.m., Chairman Richard Howe adjourned the Fire Commission meeting. Liquor Board Chairman Scott Henriod opened the Liquor Board meeting. At 9:35 a.m., Chairman Scott Henriod adjourned the Liquor Board meeting and returned the gavel back to Commission Chairman Richard Howe, who reconvened the regular Commission meeting.

CONSENT AGENDA: DISCUSSION/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

Chairman Richard Howe entertained a motion to approve the Consent Agenda. Commissioner Shane Bybee made a motion to approve the Consent Agenda as presented. Commissioner Steve Stork seconded. Motion carried.

At 10:00 a.m., Chairman Richard Howe opened the Public Hearings portion of the agenda.

#### PUBLIC HEARINGS

**PUBLIC HEARING - THE WHITE PINE COUNTY BOARD OF COMMISSIONERS WILL TAKE PUBLIC COMMENT TO DISCUSS POSSIBLE APPLICATIONS FOR FUNDING UNDER THE NEXT FISCAL YEAR'S JULY 1, 2019 TO JUNE 30, 2020 STATE CDBG PROGRAM AND TO SOLICIT CITIZEN INPUT ON POSSIBLE ACTIVITIES TO BE INCLUDED IN THE APPLICATION**

Finance Director Elizabeth Frances advised of the requirement to hold 3 public hearings on this, and this is the second. She is reporting on this in lieu of WPC Treasurer Catherine Bakaric's absence today. There has been no community input to date, she noted. Director Frances hoped the District Attorney would have something to say regarding the Park Project by the Aquatic Center. She cited a map adjacent to some LMI properties, which could possibly be considered by this Board. She emphasized that if these aren't set today, we can't apply for funding for any projects. Director Frances continued that the Senior Center is eligible, for parking and ADA access; they don't need to be LMI eligible as she explained. Both the Senior Center and the Aquatic Center were discussed briefly. She continued to note that RNDC would continue our sponsorship; a lift station out towards the Road Dept. to support development in that area, adjacent to the Golf Course, is another possibility. A 3<sup>rd</sup> public hearing will allow for prioritization of the projects brought up at today's meeting, she noted. She asked if the public or the Board has anything they would like to add.

Mr. George Chachas spoke in support of the Senior Center project; he noted there are plenty of parks already in our community, some of which aren't being adequately used. He might support a lift station, if he had more information. He added that developers seem to be taking advantage of our community, and "they need to give back something."

Commissioner Shane Bybee felt the drainage/storm drain issues in McGill should be considered, especially the old slag ditch. Commissioner Gary Perea agreed, but also felt there were some restrictions involved with that which he couldn't recall. He did note that the CDBG requirements have changed, and seem to be more restrictive. There was some discussion regarding the old slag ditch; Rio Tinto owns it, and its history was discussed briefly by Commissioner Shane Bybee.

In looking at the Park, Director Frances indicated that an updated income survey will need to be done in order to be reviewed for possible qualification; it is unknown how old many of our surveys are, and they may need to be updated.

Ms. Caroline McIntosh advised that the matter of affordable housing needs to be brought forward, and would like to see that added to the CDBG list. Director Frances indicated that part of that would involve RNDC, which we would support; she will research this.

Following brief discussion, Chairman Richard Howe noted that the projects discussed today will be researched and return for the 3<sup>rd</sup> public hearing by this Board.

**PUBLIC HEARING - THE WHITE PINE COUNTY BOARD OF COMMISSIONERS WILL TAKE PUBLIC COMMENT ON ITS INTENTION TO LEASE UP TO 10,000 SQ FT OF COUNTY PROPERTY SOUTH OF THE USDA HANGAR TO MEDX AIRONE, UPON SUCH TERMS AND CONDITIONS AS THE COMMISSION DEEMS PROPER, SO THAT MEDX AIRONE CAN BUILD A HANGAR AND OTHER AVIATION FACILITIES ON THE PROPERTY TO SUPPORT ITS EMERGENCY TRANSPORTATION OPERATION, PURSUANT TO NRS 495.040**

Deputy District Attorney Bryan Pyle noted this public hearing is part of the statutory formality for this process; Chairman Richard Howe opened for public comment. It was noted that MedX AirOne had no public comment. Mr. George Chachas supports this; he would also like the Board to remove a restriction. He felt they should open this up for bid since not too many people are interested in building at the Airport. Commissioner Shane Bybee asked if 10,000 sq ft was required, agreeing it's a tough restriction. Deputy D.A. Pyle noted this was advertised as such and the maximum amount of space was noted. If more footage is to be discussed, then this needs to come back to the agenda with a revised figure. During the discussion, Commissioner Gary Perea felt a minimum amount of footage should also be noted, but he's okay with this as stipulated. Deputy D.A. Pyle noted this is just a blanket figure, meant to cover what they would need. After today, we can look to approve with MedX Air One, as he explained. At this point, this Board has the authority to lease this out as the requirement has been fulfilled by holding this public hearing.

### ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS

#### COUNTY COMMISSION

##### RICHARD HOWE, COMMISSION CHAIRMAN

#### DISCUSSION/ACTION/APPROVAL TO GRANT THE CHAIRMAN THE ABILITY TO ACCEPT OR REJECT CERTAIN OFFERS TO PURCHASE COUNTY-OWNED REAL PROPERTY

Chairman Richard Howe noted we had an offer on a piece of property; Deputy D.A. Pyle advised the Board should take the next agenda item first. This was done, as it will be tabled since Commissioner Shane Bybee has to leave.

Chairman Howe felt that the offer received on the property noted in that agenda item was really low; he advised that if the Board receives an offer of 50% or less of the property value, then it could be refused. Or, he added, any offer should come back to this Board no matter what it is. Perhaps just continuing to bring every offer on every piece of property forward to this Board, or else give the Commission Chairman the authority to reject. Following some discussion, it was the consensus of the Board that it should remain as it is. Chairman Richard Howe entertained a motion for approval; died for lack of a motion, so no action was taken.

#### DISCUSSION/ACTION/APPROVAL TO ACCEPT OR REJECT AN OFFER TO PURCHASE THE COUNTY-OWNED REAL PROPERTY LOCATED AT 1266 NORTH 53<sup>RD</sup> WEST IN WHITE PINE COUNTY, NEVADA, APN #010-270-17, FOR \$4,500

This agenda item was tabled since Commissioner Shane Bybee had to leave to go out of town. Commissioner Bybee made a motion to table this agenda item; Commissioner Steve Stork seconded. Motion carried.

#### DISCUSSION/ACTION/APPROVAL TO SEND A LETTER OF SUPPORT OR OBJECTION TO THE NATIONAL REGISTER OF HISTORIC PLACES REGARDING ITS NOMINATION OF THE LUND GRADE SCHOOL AT 30 W. CENTER STREET IN LUND

Commissioner Carol McKenzie advised she's been working on this along with a local committee for quite a while, along with the Lund Town Council and the Historical Society. The building is in very good shape, and they wish it to remain that way; the addition that was put on is used as a Community Center, and is heavily utilized. It needs to be put on the register to ensure the building will be preserved; it was built in 1915, and the School District is also in favor of this. She would appreciate the Commission sending a letter of support regarding its nomination for the Lund Grade School. Chairman Richard Howe entertained a motion to approve; Commissioner Steve Stork made a motion to approve sending a letter of support to the National Register of Historic Places regarding the nomination of the Lund Grade School as requested. Commissioner Shane Bybee seconded. Motion carried.

#### DISCUSSION/ACTION/APPROVAL OF CURRENT AND/OR NEWLY ELECTED COMMISSIONERS TO ATTEND THE 2018 NACO CONFERENCE IN DOUGLAS COUNTY ON NOVEMBER 13-15, 2018 AND/OR ATTEND THE P.O.W.E.R. I&II CLASSES OFFERED BY UNR



Chairman Richard Howe noted that each time a new Commissioner comes on board this comes up; he felt it's very worthwhile for the new Board members to experience. Commissioner Gary Perea made a motion to approve the current/newly elected Commissioners to attend the 2018 NACO Conference in Douglas County on November 13-15, 2018, and/or to attend the P.O.W.E.R. I&I classes offered by UNR. Commissioner Steve Stork seconded. Motion carried.

**GARY PEREA, COMMISSIONER**

DISCUSSION/ACTION/APPROVAL TO FILE AN APPEAL OF NEVADA STATE WATER ENGINEER'S DECISION REJECTING SNWA WATER PERMITS AS WPC AS PRIMARY PETITIONER, SPECIFICALLY REJECTING AND CHALLENGING THE ENGINEER'S FACTUAL FINDINGS, AND TO DIRECT SIMEON HERSKOVITS TO PREPARE AND FILE SAID APPEAL/PETITION ON WHITE PINE COUNTY'S BEHALF

Commissioner Gary Perea advised that per the last Commission meeting, it was reported that the State Water Engineer had denied SNWA water permits; however, he did approve the 3-M plan of SNWA's. Both Commissioner Perea and Water Attorney Simeon Herskovits felt he didn't have the right to do that, as that will affect existing senior water right holders. He continued that Attorney Herskovits wants to file an appeal on that portion of the decision. Commissioner Perea added that there is a portion in there that would allow for appropriate water mining, but no details are provided as to how long it would be until a basin would reach its equilibrium point; there are some real problems in there regarding that. He clarified that the State Water Engineer is asking the Legislators to change the Nevada Water Laws to give them more tools to create more problems. Commissioner Steve Stork fully supports us filing an appeal, as does Commissioner Shane Bybee. Chairman Richard Howe entertained a motion to approve. Commissioner Gary Perea made a motion to approve filing an appeal of the Nevada State Water Engineer's decision, specifically to reject and challenge the factual findings, and to direct Attorney Herskovits to prepare and file the appeal on White Pine County's behalf. Commissioner Carol McKenzie seconded. Motion carried.

**STEVEN STORK, COMMISSIONER**

DISCUSSION/ACTION/APPROVAL TO DIRECT THE DISTRICT ATTORNEY'S OFFICE TO REVISE, AMEND, AND/OR REPLACE SECTIONS OF THE WHITE PINE COUNTY CODE GOVERNING BUSINESS LICENSING

Commissioner Steve Stork put this on the agenda following last meetings' public objections to the current Business License. District Attorney Mike Wheable explained that one reason this Business License was created was due to the marijuana facilities; he felt we could keep our licensing in place for the marijuana. He also felt we could carve out the gaming/liquor license, as well as revisit the Ordinance to possibly remove some of the other licensing such as for farms, etc. Commissioner Gary Perea recalled that in applying for grants/funding, we had to find out how and what kind of businesses/industries exist in the community, and how to develop; those figures are required. Having this record kept at the Clerk's office will provide some of the information we need. Commissioner Steve Stork noted that keeping track of expiration dates on our Fictitious Firm Name filings, for example, would allow us to be able to identify the businesses that we do have. Commissioner Carol McKenzie pointed out that there are many businesses who operate "out of their backyards" who don't have a Fictitious Firm Name, they just operate their businesses; we need to look at that. Commissioner Shane Bybee noted that just to enforce a Business License on a countywide level resulted in a surprising amount of "hullabaloo" that it caused. It was generally agreed that one of the main concerns was about how high the fee for the license would go up in the future; it was felt the Board could direct the District Attorney to revise/amend it to address that. Deputy District Attorney Bryan Pyle noted a specific motion that could be done, to repeal everything except the regulation of marijuana. D.A. Wheable suggested, adding to Commissioner Stork's idea, that we could sunset the Business License requirement at the end of this year. Pertaining to the question of enforcing the Fictitious Firm Names, Deputy D.A. Pyle felt it was unknown how that could be enforced; he felt a questionnaire could be sent out, but there would be no monies coming in to process those. Commissioner Perea is in favor of leaving things as they are, but to look at redoing the fee; it wasn't supposed to be a money generator, but rather just to cover costs of doing it. Commissioner Stork agreed. Commissioner Gary Perea made a motion to revisit the amount

we charge for Business Licenses next January. Commissioner Steve Stork seconded. Commissioner Shane Bybee felt that was silly, and that we aren't talking a big deal here. He advised we could gather information, but he didn't believe in singling out businesses. He felt the Business License fee is reasonable and wouldn't cause a problem for anyone. Commissioner Perea clarified that his motion pertained to just the rate, that the new Board could revisit the amount. Commissioner Bybee disagreed, and felt the Business License and the fee is serving its purpose and it should be left alone. Chairman Richard Howe agreed with this, noting it's a blanket throughout the County that has been put in place. The vote was taken; it passed 3:2, with Chairman Howe and Commissioner Bybee voting in opposition.

DISCUSSION/ACTION/APPROVAL TO DIRECT THE AIRPORT MANAGER TO MOVE TWO WILLING TENANTS TO HANGAR #2 AND MAKE ROOM IN HANGAR #1 TO ACCOMMODATE MEDX AIRONE'S PILATUS PC12

Commissioner Steve Stork noted that there had been some discussion on this while he was absent last August. MedX AirOne has made efforts to secure funding, as they want to be able to get something built prior to winter. He continued that they are our primary medflight designated by the Hospital, and they do need a sheltered place out of the weather that they can operate from. Some tenants are willing to move to accommodate this, but some issues have come up since that time. He continued that Airport Manager Lance Gale has come up with discretionary funding, and the contractor is all ready to proceed on the project. Manager Gale noted we were awarded the funds and he explained how everyone is willing to work together to get the project moving forward; this would require a 45 day period to move things around and utilize Runway 3012. He continued that now we have 2 medflight services wishing to utilize one hangar; during the discussion he felt it was possible that both planes might fit in there. He added that the Ely Jet Center is willing to move their operations down for the convenience of our general aviation needs during that period; they are just asking for the first right of refusal. He clarified that everyone is willing to move around to accommodate needs, but some direction is needed.

At this point, Mr. Richard Barber came forward and announced this is all news to him. The last he understood was at the August 8<sup>th</sup> meeting, when the Board had stated they didn't feel it would be appropriate to have the tenants moved out of Hangar #1. He explained that none of this had actually been provided as information to everyone concerned. The discussion escalated somewhat until Chairman Howe banged the gavel and restored order. Chairman Howe voiced concern that the Hospital is working with MedX AirOne, so therefore he wanted to know American MedFlight's position in all this. Commissioner Stork explained that we aren't kicking anyone out, "just asking people to work together for 60 days or so while our Airport is being improved." He emphasized this relocation was temporary. Following further discussion, Commissioner Gary Perea wanted to know why this issue has come to this Board, as he felt it should be left up to our Airport Manager to get this done as best he can. Commissioner Stork noted that none of these tenants have a lease, they are in the hangar from month-to-month, specifically for the reasons that have been brought up about all this. If the Board takes the action to evict, it must be an agenda item. Commissioner Shane Bybee wasn't pleased with the way this is being handled, noting that the decision as to which plane would actually fit in the hangar is still out there.

At this point, Mr. Joel Hochhalter, MedX AirOne, clarified that they aren't asking anyone to be kicked out; they initially requested 4 months ago to possibly build a hangar, and now we are getting close to being able to lease property to get that done. They offered that as American MedFlight was already in their hangar and MedX AirOne wanted some cover for the winter, they would pay the rent for Hangar #2. He emphasized that they've never requested anyone to be removed from any hangar. During the lengthy discussion, Commissioner Shane Bybee voiced his concern that all of a sudden we have tenants who felt they were being pushed out; Mr. Hochhalter reiterated that they are not asking this Board to ask anyone to leave, and wished to go on record stating that fact. Commissioner Stork agreed and confirmed this statement, and further the tenants would be moving into a better location, with their expenses—heat, light, etc.—already paid. To him it's simple; we have a situation that means having to relocate our Airport operators for 2 months, and by doing so the results are everyone will be served at the Airport, following that period of time, for the construction/renovations to be done. Manager Gale clarified that the east side of the Airport will be shut down during that construction. Further, he had measured the planes and both medflights will fit into the hangar. Gary also pointed out the simplicity of

Manager Gale having the authority to move forward and if there's a conflict, the District Attorney could be notified. As soon as the ground thaws after winter and can pour the concrete, the new hangar will be completed. Mr. Hochhalter advised that American MedFlight could be placed in the hangar, and MedX AirOne will park outside, which should put an end to the problem. He added that MedX AirOne transports people at no cost; they "operate on behalf of the patient, not capital." They will remain outside for 45 days; however, if they are unable to fly and someone needs their service, they would put American MedFlight in instead, as a sole occupant. Commissioner Steve Stork felt they were gracious to offer that, and stated that he felt it was "unfortunate that we've gotten to the point where we would have to do that." Mr. Randall Barton, a mechanic with Classic Aviation (leased out to MedX AirOne), stated both planes could fit in the hangar without an issue. He continued to note that for the safety and critical needs of patients, "you don't want to argue about where to park!" Commissioner Bybee was all for working together with the pilots and come up with an amicable solution to the problem. During the discussion it was also determined that Manager Gale has the authority to work this all out and no action is necessary, unless there's a problem. Deputy District Attorney Bryan Pyle agreed no action is necessary so long as all the parties are willing to work it out.

#### DISCUSSION/ACTION/APPROVAL TO DETERMINE AVAILABLE FUNDING FOR THE NEVADA MAIN STREET PROJECT

Chairman Richard Howe cited the Joint Meeting of the City/County where discussions were held regarding the Main Street Project, and how everyone was on board with this (with the exception of Commissioner Shane Bybee, who was unable to attend). Finance Director Elizabeth Frances noted the different options to be considered, depending upon the amount of funding that would be applied. For example, if this would be a one-time appropriation, we could appropriate the monies from the General Fund beginning fund balance this year; if it would be ongoing, however, it would be subject to appropriations in alter years, or the Contingency Fund could be utilized. Director Frances indicated that \$25,000 is available for this year. Commissioner Steve Stork wants to get the Tourism & Recreation Board, the City/County, and also donations from local larger businesses that could be done under a 501-C3. However, this Board would need to sponsor this in order to get things going. Ms. Caroline McIntosh noted that she's been in contact with GOED about this, and cited Mr. Matt Moore's presentation. As a 501-C3 there would need to be a Board of Directors, who would need to ensure it would function correctly; as a Director it would be a County employee with benefits, rather than a salaried position. With some in-kind donations for office space, etc., she felt that \$65,000-75,000 this year would get it rolling, and the GOED would help us. She noted also that due to NDOT's participation in the downtown effort, "we are the primed area for this opportunity." Commissioner Gary Perea agreed, noting that we need to show White Pine County is fully behind this; we've identified the downtown area as our priority one, a big investment in our future, and he felt we should provide the \$25,000 for this year. During the discussion, Ms. McIntosh advised that due diligence is being done on the infrastructure, such as the storm drains, building up these areas and making it all viable. She added pointedly that "if we want to continue with the current look of downtown, DO NOTHING." Commissioner Shane Bybee admitted he's been apprehensive about this and the funding from the start, but in walking downtown, envisioning a brand new street, sidewalks, etc., we would still have the same old empty buildings. He felt we can't depend on NDOT to change our town; WE must come up with the support to make the rest of the town match what NDOT is doing for it. Following further discussion, Commissioner Gary Perea made a motion to request Finance Director Elizabeth Frances to find the source of the \$25,000 funding for the Nevada Main Street Project and bring the information back to this Board. Commissioner Steve Stork seconded. Motion carried 4:1, with Chairman Richard Howe voting in opposition.

#### DISCUSSION/UPDATE FROM THE WHITE PINE BROADBAND ACTION TEAM

Ms. Caroline McIntosh advised of the White Pine Broadband Action Committee, of which she is a member, along with WPC Sheriff Scott Henriod, Mr. Andy Britton, and Ely Fire Chief Ross Rivera; she voiced appreciation for their attendance today. She cited the updates in the Commission packets, and introduced Ms. Jojo Myers Campos, from GO on Scientific Innovation & Technology. Ms. Campos advised that Ely has been selected as the first community for their broadband approach. Our problems are not unique; both Elko and Winnemucca share the same concerns. She invited Sheriff Henriod and Chief Rivera to address how broadband



affects public safety: Sheriff Henriod advised that as we are moving forward with the Jail/Courthouse project, we're required to use broadband in daily use; telecom, dispatch, jail, TeleHealth programs, etc. However, he pointed out that we're way behind in that capacity. The County has a shared internet service, and "we're okay until everyone comes into their respective offices and starts using it." State communications is also internet based, and whenever a license check or criminal history check is run, the broadband is affected; plus, there are body camera downloads, which take 5-6 hours to download and more to upload for possible requests from the District Attorney's office in criminal cases. TeleHealth with inmates he also explained briefly; also, people experience problems in their homes with the overused internet. This broadband effort is focused on improving this, both from a public safety standpoint and also the community as a whole that we're responsible for. Chief Rivera agreed they, too, are greatly affected, since they also depend upon the Sheriff's Dept. internet capabilities. Due to demands that recertification takes (including video training, etc.), everything takes too long to load and sometimes you're timed out before you can continue with the training. He added that whether we're at work or at home, everyone is affected by this. Technology is advancing, and we need to get the communications part of it solidified as it's the most important part, in his opinion. Mr. Andy Britton offered his thoughts from a business perspective, as well as being an IT professional for 17 years; we are WAY behind. Anything bigger than "dialup" runs either through T-1 or fiber optic. With this broadband, small businesses could open up areas they couldn't access before, this would be a huge potential for growth. The number of available broadband connections and the options, speeds, and number of providers, all figure into this. Ms. McIntosh advised that a community survey had been done, and the Finance Dept. has tabulated it; it's now uploaded. Federal and State grants are being pursued; NDOT will be trenching for fiber. Ms. Campos continued that the businesses on Great Basin Blvd. are doing conduit there, and different providers are being invited to bid on that. She cited a 30-page "playbook" that GOED has reviewed; it's a living document on White Pine County, and is continuously being updated. The next steps are that Director Frances will work with the County Depts. and other entities to determine the desired bandwidth; then the potential providers will know what they are bidding on. She continued that the Ely Shoshone Tribe is also bringing in some things; they want fiber too, but they are also looking towards an Opioid Awareness Center for the entire community. ComNet bought Mt. Wheeler's internet, and they are looking to be bundled with the Tribe, she informed the Board. We have conduit coming in, but no freeway exits, as she explained; we have different needs and we must ensure those "exits" are supplied as well. Ms. Campos noted that the Finance Dept. will be seeking the desired amount of broadband that is needed, and identify that, plus hold more meetings with the service providers. The next meeting for this Broadband Committee will be held at the School District next Wednesday, from 9:00-11:00 a.m. She emphasized that everything hinges on our broadband; the big thing is just being accepted through the Governor's Office, and she advised they've been a big help. Both Elko and Ely are the broadband recipients at this point in time. The Governor has allotted money for free wifi in all of our State Parks, such as the Charcoal Ovens and Cave Lake, for example. She commented that it would be nice if the Federal government also jumped on board and supplied wifi in our National Parks. Commissioner Shane Bybee advised that fiber optic came in 16 years ago and we went to the Governor's Office at that time, but they weren't interested in trying to tap a rural community into everything. It's nice to know, he commented, that there is some current buy-in going on from the State. The Board thanked Ms. Campos and the Broadband Committee for the information.

## ELECTED OFFICIALS

### CATHERINE BAKARIC, TREASURER

#### DISCUSSION ONLY: INTRODUCTION TO THE UNIVERSITY OF NEVADA RENO BUSINESS ENVIRONMENTAL PROGRAM

As WPC Treasurer Catherine Bakaric isn't here today, Mr. Erik Clorio addressed the Board from the UNR Business Environmental Program. He explained they operate a free, confidential service out of two offices, 1 in Las Vegas and 1 in Reno. They help small-to-medium sized businesses with environmental problems; he noted that air quality is his venue. Mr. Clorio noted that the marijuana industry here may need air permits, depending upon their emissions type and quantity; their office also works on pollution prevention, hazardous waste, and in assisting businesses move in from another State, for example. He offered that their offices could be a great asset to us in terms of reviewing our proper lighting needs, permitting process, etc.; he added that any

confidential information is kept that way. Even when State regulations are met, some Federal regulations may still apply; he noted they've helped businesses avoid large fines, for example. Mr. Clorio commented that people don't know about their programs very much, outside of Las Vegas and Reno; they are trying to promote their business so they can help us and other businesses that might wish to come here. He left brochures for the Board and the public. It was noted that Commissioner Bybee would also like some information to be passed along to the County's economic development people.

**MIKE WHEABLE, DISTRICT ATTORNEY**

**DISCUSSION/ACTION/APPROVAL TO ADJUST COUNTY COMMISSION LIAISON APPOINTMENTS FOR COUNTY DEPARTMENTS AS NECESSARY**

Following brief discussion, the only changes were that Chairman Richard Howe would resign from the liaisonship to Social Services, and Commissioner Shane Bybee will assume that post. There will be no alternate. Chairman Richard Howe entertained a motion to approve. Commissioner Gary Perea made a motion to adjust the County Commission Liaison appointments by removing Chairman Howe from being the Social Services liaison and appointing Commissioner Shane Bybee to that post. Commissioner Steve Stork seconded. Motion carried.

**DEPARTMENT HEADS**

**LANCE GALE, AIRPORT MANAGER**

**DISCUSSION/ACTION/APPROVAL FOR CONTRACTORS TO PROCEED WITH WORK ON THE BLM CONSTRUCTION PROJECT ON THE SOUTH END OF THE AIRPORT**

Airport Manager Lance Gale advised this project is the BLM modular offices at the South end of the Airport, adjacent to the helitac building that they already have. The bids were awarded to O'Flaherty and Gust Electric. An upgrade to the power system will be done by Mt. Wheeler Power, and it was noted this is included in the budget for that work. Manager Gale continued that the contractor who is doing the runway volunteered to patch the roads while they are doing the paving work; Commissioner Shane Bybee noted was pleased to see they are local contractors. Manager Gale added that a bidders' meeting was held; per information from Finance Director Elizabeth Frances, Basin Engineering is the Engineer on the project. She advised that the General Fund has already been augmented to cover this, and funding is available. Manager Gale explained the process: We put the infrastructure in, and then we're reimbursed. Chairman Richard Howe entertained a motion to approve. Commissioner Carol McKenzie made a motion to approve the contractors to proceed with work on the BLM construction project at the South end of the Airport. Commissioner Steve Stork seconded. Motion carried.

**DISCUSSION/UPDATE ON THE BID AWARD FOR AIP PHASES 3 AND 4 TO RECONSTRUCT TAXIWAYS WITH DISCRETIONARY FUNDING**

Manager Gale recalled that he had brought this before the Board at the last Commission meeting; we were in the running for this funding, in the amount of \$5 million. The timeline was that our application had to be in ASAP, and this comprises everything we petitioned hard for. We had one bidder, Road and Highway Builders, and the FAA awarded the bid to that company. He emphasized to the Board that the FAA received \$1 billion from President Trump for this, and ours was the only Airport in Nevada to receive it, with \$-0- match! He noted that we had figured on \$360-380,000 being saved just for that match. Chairman Richard Howe signed for the grant and it was applied; it was noted that Chairman Howe must accept it as the County representative. The timeline is from tomorrow through next Monday; therefore, on September 24<sup>th</sup> the award will arrive, and on September 26<sup>th</sup> it will be on the Commission agenda for acceptance. The procedure is that after our Chairman of the Board signs off on it, the contractor also signs off, and then it's sent off to the FAA. Manager Gale reported that we had everything in place for this, and we were the ONLY Airport that DID have everything in place; furthermore, we were #3 on the list, but we got the award because everything was ready to go. So we will have a new runway, a new taxiway, in 45 days, for half the cost as was expected. He commended the Commissioners for an excellent job in helping to secure this grant award. He will provide copies to the Board when everything is signed and available.

**TIMOTHY BUNCH, HUMAN RESOURCES DIRECTOR**

**DISCUSSION/ACTION/APPROVAL OF A DEPARTMENT HEAD EVALUATION TO COMPLY WITH WCP 10.2.4**

Finance Director Elizabeth Frances took these agenda items for Human Resources Director Timothy Bunch, as he was unable to attend today's meeting. She noted this is part of updating the Personnel Policies; she handed these out during the September 4<sup>th</sup> Dept. Head meeting. Director Bunch is requesting approval of this form in order to bring us into compliance with the current Personnel Policy. Chairman Richard Howe wants the liaisons for the various County Departments to meet with each of their respective Dept. Heads, one-on-one, and review the evaluation process; if there are questions they could come back to this Board. Deputy District Attorney Bryan Pyle clarified that the liaison would be the one to sign off on this form. During the discussion, Commissioner Carol McKenzie advised that she didn't feel the liaison should have any part in this process, and that if there are any issues those could come before this Board. Director Frances clarified at this point, that this evaluation is for the Department Heads. Deputy D.A. Pyle advised that either the full Board could do this in an open meeting, or delegate the authority to the liaison for that Dept. Head to do a primary evaluation; then if an issue arises it could be brought before the full Board. Commissioner Gary Perea recalled that he felt the full Board, rather than just one person, was to do the review; it could be done in a Closed Session. Deputy D.A. Pyle reiterated that if it's going to be the full Board considering the review, it would have to be in an open meeting. It was noted that the full text of a review/evaluation during Closed Session seems harsh, but that is the wording that must be used. Commissioner Shane Bybee wants to know how the Department Heads themselves want this to be done; he noted that something like this would take a lot of time and create a lot of work for people. Commissioner Steve Stork felt that this had been a deficiency; Director Frances agreed, that while this is included in our Personnel Policy, it hasn't been done. She continued that the evaluation is basically a communication where someone might discover where they are doing well or not doing well; feedback is very important, she added, "as we can't correct what we don't know." Deputy D.A. Pyle advised this Board could approve the form today; implementation of the authority to evaluate could be done at a later time. He added he will reach out for other Department Head opinions on this. Chairman Richard Howe entertained a motion for approval. Commissioner Carol McKenzie made a motion to approve the Department Head Evaluation Form to comply with WCP 10.2.4. Commissioner Steve Stork seconded. Motion carried. It was clarified this is only for the non-elected County Department Heads.

**DISCUSSION/ACTION/APPROVAL REGARDING EXEMPT POSITION COMPENSATION IN ORDER TO BE COMPETITIVE WITHIN THE RURAL COUNTIES OF NEVADA FOR RETENTION AND RECRUITING PURPOSES**

Chairman Richard Howe advised that we got almost no one to apply for the position of Fire Chief due to the low compensation being offered; he started looking at exempt positions and saw 2 offices where there are exempt employees who require specialized degrees to be in that position, such as a Deputy District Attorney. He wants a 10% increase for those employees, which he noted is still under salaries being offered by Pershing, Lander, Elko, Humboldt and Nye counties for similar positions. He noted that our courts are nearly doubled with cases, and cited the current length of time in service and the workload of those employees. He added it's been 6 years since an exempt employee got a raise; he knows this Board understands the duties and responsibilities that the Department Heads need to do, and is requesting to authorize a 10% raise for the 3 people in those offices—the Deputy District Attorney, the Chief Deputy District Attorney, and the Finance Director. Finance Director Elizabeth Frances clarified that all the research had been done by Director Bunch for this, and that Lander/Pershing counties weren't in the original figures. Commissioner Steve Stork felt that while our exempt employees deserve a pay increase, 10% was excessive and he would look at 4% for now and to revisit it again during the budget process. He added this would give those personnel the opportunity to grow with time. Commissioner Gary Perea felt all the exempt employees should be considered in this, and agreed it should be part of the budget process. Chairman Howe's concern, he clarified, is more towards the future. Commissioners Stork and Bybee agreed that "we're failing on the top end of the scale." Following further discussion, Chairman Richard Howe entertained a motion for approval. Commissioner Shane Bybee requested Director Frances to provide a list of our costs for each exempt employee for the next Commission meeting. Chairman Richard Howe

entertained a motion to table. Commissioner Shane Bybee made the motion; Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL REGARDING REINSTATEMENT OF ORIGINAL HIRE DATE FOR CHRIS RICCI PER COUNTY POLICY AND CBA (6/27/1994)

Finance Director Elizabeth Frances advised that when Ms. Chris Ricci retired last October, she was gone until January, and then came back into her position. However, per Personnel Policy, if you come back in under 1 year you can be reinstated at your original starting date, which for Ms. Ricci was 6/17/1994. She noted this doesn't apply to longevities, but rather to the actual. Therefore, Ms. Ricci's break in service would bring her back to her original hire date, not her REHIRE date, to clarify. Director Frances cited the Personnel Policy covering this instance and clarified she wouldn't be considered as having a break in her service. She felt it would be appropriate to adjust this and it will be handled through Director Bunch when he returns; she added this would just change Ms. Ricci's accrual rate. Chairman Richard Howe entertained a motion to approve. Commissioner Steve Stork made a motion to approve the reinstatement of Ms. Chris Ricci's original hire date per County policy. Commissioner Shane Bybee seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL REGARDING LIBRARY ASSISTANT TRAINEE GRADE 112, STEP 1 PROMOTION TO LIBRARY ASSISTANT GRADE 117, STEP Z PER APPROVED COMMISSION MEETING AUGUST 10, 2016

Director Frances cited the backup documentation, showing that this was agreed to when this person was hired. However, this is not in the budget, and we would have to utilize the Contingency Fund to cover this. Library Director Lori Romero noted this had been brought up during the budget process; Commissioner Steve Stork wanted to know if this figure was included in the actual budget or not. Commissioner Shane Bybee noted that this amount shouldn't be a problem, as there should be room in the budget for this. Director Frances agreed that it should be covered by funds from the Contingency. Chairman Richard Howe entertained a motion for approval. Commissioner Shane Bybee made a motion to approve the Library Assistant Trainee Grade 112, Step 1 be promoted to Library Assistant Grade 117, Step Z, per the approved Commission meeting held August 10, 2016, as requested. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF JOB DESCRIPTION AND PAY SCALE FOR NEW POSITION OF CHIEF DEPUTY FINANCE DIRECTOR IN FINANCE TO REPLACE EXISTING FINANCE ANALYST POSITION

Finance Director Elizabeth Frances had requested this through Director Bunch; it was noted that she can't continue to accept additional assignments without having the ability to delegate some of them off, and her office is coming to a critical threshold. She is looking to revise this Job Description and pay scale; she listed the many different grants her office has taken on, plus other tasks. She is requesting to revise this position from the Financial Analyst to Chief Deputy Finance Director. She continued this position would be exempt, which would eliminate overtime and out-of-class pay. In reply to a query from Commissioner Steve Stork, she noted that if this isn't approved then the overtime and out-of-class pay would need to continue. Following brief discussion, Chairman Richard Howe entertained a motion to approve. Commissioner Gary Perea made a motion to approve the Job Position and pay scale to replace the existing Finance Analyst position with a new Chief Deputy Finance Director position. Commissioner Steve Stork seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL TO BEGIN INTERNAL RECRUITMENT FOR CHIEF DEPUTY FINANCE DIRECTOR

Following brief discussion, Commissioner Steve Stork made a motion to approve beginning internal recruit for the Chief Deputy Finance Director as requested. Commissioner Shane Bybee seconded. Motion carried.



ELIZABETH FRANCES, FINANCE DIRECTOR

DISCUSSION/ACTION/APPROVAL TO OPT IN TO THE CLASS ACTION LAWSUIT TO RECOVER ADDITIONAL SUMS UNDER THE PAYMENTS IN LIEU OF TAXES ACT (PILT ACT) FOR FISCAL YEARS 2015, 2016 AND 2017

Director Frances advised that we've been notified that there are Class Action lawsuits being done for this; she cited the information in the backup materials. She had the District Attorney's office review this, and they are fine with us opting into the lawsuit if the Board so wishes. She noted there would be no cost to us if we decided to opt in. Commissioner Shane Bybee made a motion to opt into the Class Action lawsuit to recover additional sums under PILT for FY 2015, 2016 and 2017 as requested. Commissioner Gary Perea seconded. Motion carried.

DISCUSSION/ACTION/RATIFICATION OF THE NV. DEPT. OF PUBLIC SAFETY, DIV. OF EMERGENCY MANAGEMENT FFY19 EMPG GRANT APPLICATION TO COVER A PORTION OF THE DIRECTOR OF EMERGENCY MANAGEMENT WAGE AND BENEFITS IN THE AMOUNT OF \$20,000 WITH COUNTY MATCH OF \$20,000 COMING FROM THE GENERAL FUND OFFICE OF EMERGENCY MANAGEMENT BUDGET

Finance Director Elizabeth Frances advised that the match of \$20,000 is budgeted for in the General Fund. She explained that she had written the grant; it had a deadline by August 31<sup>st</sup>. She added that this virtually mirrors what's been done in prior years for this position. Commissioner Gary Perea made a motion to ratify the EMPG grant application for a portion of the Emergency Management Director wage and benefits for \$20,000 with a County match of \$20,000, as requested. Commissioner Carol McKenzie seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF ENGAGEMENT WITH MACLEOD WATT'S FOR OPEB ACTUARIAL VALUATION SERVICES AS REQUIRED PURSUANT TO GASB 75 IN AN AMOUNT OF \$9,900

Director Frances explained that GASB75 requires an OPEB every 3 years in the past; however, it is now required annually. We would be staying with the same people, it's just the company that has been re-formed. She's been working with them since last February; also, this was in the budget last year for \$7,000 since we didn't know what the increase would be based on in the new GASB75. Following brief discussion, Chairman Richard Howe entertained a motion to approve. Commissioner Carol McKenzie made a motion to approve the engagement with MacLeod Watts for OPEB actuarial valuation services as required pursuant to GASB75, in the amount of \$9,900. Commissioner Shane Bybee seconded. Motion carried.

DISCUSSION/UPDATE ON 2018 PUBLIC LANDS DAY ACTIVITIES TO BE HELD AT CAMP SUCCESS AND HOSTED BY THE HUMBOLDT-TOIYABE NATIONAL FOREST, ELY RANGER DISTRICT

Director Frances noted this is just an update indicating when and where this year's annual Public Lands Day activities will be held. The Board thanked her for the information.

DISCUSSION/ACTION/RATIFICATION OF THE BLM EMERGENCY FACILITIES AND LAND USE AGREEMENT BEGINNING 8/31/2018

Director Frances advised this needed to be ratified since an Incident Command Post was required for the Goshute Fire, as she explained. She added this is the standard agreement to utilize the facilities that the Federal government offers. Following brief discussion, Chairman Richard Howe entertained a motion to approve. Commissioner Steve Stork made a motion to ratify the BLM Emergency Facilities and Land Use Agreement beginning 8/31/2018, as requested. Commissioner Carol McKenzie seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL TO INCREASE HALF-TIME POSITIONS IN MAINTENANCE AND FINANCE TO FULL-TIME POSITIONS

Director Frances cited her memo in the backup materials. She reviewed briefly for the Board, that in 2014 a Clerk went to part-time due to the County's need to reduce, and this was done. However, with changes currently in her office and the greater amount of duties that the Finance Office has taken on, she would like to



get these hours back. She added she would be willing to adjust as needed to accomplish this. Reduction of that position saved \$122,000 to the General Fund at that time, but needs have changed and she is asking to push that position back up to full time. Director Frances clarified that 1/2 of the employee time is spent in the Finance Office, and the other 1/2 is working in the Maintenance Dept. To explain, she recalled for the Board the merging of the 2 Superintendents (Road, Maintenance) into 1 Public Works Director. Commissioner Steve Stork met with Directors Frances and Calderwood about this, and he felt a sincere need exists, plus we have the money to cover going to full-time. He added that he will support this now, but in the future he would like to see these kinds of things going under the budget umbrella in order to avoid mid-year decisions like this. Chairman Richard Howe entertained a motion to approve. Commissioner Steve Stork made a motion to approve increasing the half-time positions in Maintenance and Finance to full-time position as requested. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2018-57 TO AUGMENT THE GENERAL FUND FROM BEGINNING FUND BALANCE IN THE AMOUNT OF \$9,900 FOR OPEB ACTUARIAL VALUATION SERVICES REQUIRED BY GASB 75 TO BE PERFORMED BY MACLEOD WATTS**

Director Frances advised this is to augment from the General Fund in order to provide the funds leftover at the end of last year. Following brief discussion, Commissioner Shane Bybee made a motion to approve Resolution 2018-57 to augment the General Fund in the amount of \$9,900 for OPEB actuarial valuation services required by GASB75, to be performed by MacLeod Watts. Commissioner Steve Stork seconded. Motion carried.

Richard Howe, Chairman  
Shane Bybee, Vice Chairman  
Commissioner Gary Parea  
Commissioner Carol McKenzie  
Commissioner Steven M. Stork

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Nichole Baldwin, Ex-officio Clerk of the Board

**White Pine County  
Board of County Commissioners**

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**Resolution Number 2018-57**

**Resolution to Augment the White Pine County General Fund from Beginning Fund Balance in the Amount of \$9,900 for OPEB Actuarial Valuation Services Required by GASB 75 to be Performed by MacLeod Watts**

Whereas, White Pine County budgeted in FY2018 for OPEB and due to reorganization and division of the company that used to provide these services the services were not completed last fiscal year; and

Whereas, because the funds were not spent in FY2018 as planned the unspent balance became part of FY2019's beginning fund balance; and

Whereas, the actuarial valuation is required pursuant to GASB 75 in order to issue the fiscal year 2018 annual financial statements; and

Whereas, the FY2019 General Fund Beginning Fund Balance was budgeted at \$11,883,738 and the actual beginning fund balance is projected to be \$13,319,180 which is \$1,435,443 more than budgeted and is legally available for appropriation;

Now Therefore Be It Resolved that White Pine County shall augment the White Pine County General Fund from unanticipated and unbudgeted beginning fund balance in the amount of \$9,900 (001-000-29905-000) and increase the Finance Office Contract Services line item (001-110-52915-000) 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 12<sup>th</sup> day of September, 2018.

Ayes: 5  
Nays: 0  
Absent: 0

  
Richard Howe, Chairman of the Board

ATTEST:   
Susan Lujan, Deputy Clerk

DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2018-59 TO UTILIZE CONTINGENCY IN THE AMOUNT OF \$7,500 TO COVER SIDWELL GIS SERVICES TO CREATE A WELL DATA LAYER FOR NATURAL RESOURCES

Director Frances advised this is just to provide funding for the Sidwell contract already approved by this Board. Chairman Richard Howe entertained a motion to approve. Commissioner Gary Perea made a motion to approve Resolution 2018-59 to utilize Contingency for \$7,500 to cover Sidwell GIS services for a well data layer for Natural Resources. Commissioner Steve Stork seconded. Motion carried.

Richard Howe, Chairman  
Shane Bybee, Vice Chairman  
Commissioner Gary Perea  
Commissioner Carol McKenzie  
Commissioner Steven M. Stork

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Nichelle Baldwin, Ex-officio Clerk of the Board

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Resolution Number 2018-59

Resolution to Utilize Contingency in the Amount of \$7,500 to Cover Sidwell GIS Services to Create a Well Data Layer for Natural Resources

Whereas, the White Pine County Board of County Commissioners approved a contract with Sidwell for creation of a well data GIS layer for natural resources; and

Whereas, the cost for the contract in the current fiscal year is \$7,500 which was unanticipated and unbudgeted during the FY2019 budget process; and

Whereas, the FY2019 General Fund Contingency Account had a beginning balance of \$153,000 of which \$24,514 has been utilized to cover the overlap of the previous and current Human Resources Director and associated expense and \$40,000 for District Attorney expert witness fees leaving a balance of \$88,486 which may legally be used for this purpose;

Now Therefore Be It Resolved that White Pine County shall appropriate \$7,500 from contingency (001-801-54101-000) and increase the Natural Resources Contract Services line item (001-703-52915-000) by the same amount to pay for required expert witness fees.

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 12<sup>th</sup> day of September, 2018.

Ayes: 5  
Nays: 0  
Absent: 0

*Richard Howe*  
Richard Howe, Chairman of the Board

ATTEST:  
*Susan Lujan*  
Susan Lujan, Deputy Clerk

DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2018-58 TO UTILIZE CONTINGENCY IN THE AMOUNT OF \$40,000 TO COVER REQUIRED EXPERT WITNESS FEES FOR THE DISTRICT ATTORNEY'S OFFICE

Director Frances cited a criminal case that will require an expert witness; a doctor has already been subpoenaed. She noted we could utilize \$5,000 from the existing budget for this, but the other \$40,000 will have to come out of Contingency. Deputy D.A. Bryan Pyle clarified that up to \$40,000 is being requested, but mostly likely not much more than \$10,000 would be needed for this. He explained that the need for showing ongoing medical needs is where this medical expert comes in. He added that the District Attorney's office hasn't requested anything like this since District Attorney Mike Wheable came into office, until now. Chairman Richard Howe entertained a motion to approve. Commissioner Carol McKenzie made a motion to approve Resolution 2018-58 to utilize Contingency funds for \$40,000 to cover required expert witness fees for the District Attorney's office, as requested. Commissioner Gary Perea seconded. Motion carried.

Richard Howe, Chairman  
Shane Bybee, Vice Chairman  
Commissioner Gary Perea  
Commissioner Carol McKenzie  
Commissioner Steven M. Stark

Nichole Baldwin, Executive Clerk of the Board

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Board of County Commissioners

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Resolution Number 2018-58

Resolution to Utilize \$40,000 of Contingency to Pay for Expert Witness Fees Required by the District Attorney's Office for a Criminal Case

Whereas, the White Pine County District Attorney's Office is prosecuting a criminal case which requires that an expert witness be subpoenaed; and

Whereas, the cost for the expert witness is estimated to be \$45,000, a portion of which can be covered by the current budget in the District Attorney Witness Fees line item; and

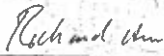
Whereas, the FY2019 General Fund Contingency Account had a beginning balance of \$153,000 of which \$24,514 has been utilized to cover the overlap of the previous and current Human Resources Director and associated expense leaving a balance of \$128,486 which may legally be used for this purpose;

Now Therefore Be It Resolved that White Pine County shall appropriate \$40,000 from contingency (001-801- 54101-000) and increase the District Attorney Witness Fees line item (001-202-52708-000) by the same amount to pay for required expert witness fees.

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 12<sup>th</sup> day of September, 2018.

Ayes: 5  
Nays: 0  
Absent: 0

  
Richard Howe, Chairman of the Board

ATTEST:

  
Susan Lujan, Deputy Clerk

DISCUSSION/ACTION/APPROVAL TO ASSIST THE NEVADA DIV. OF WELFARE AND SUPPORTIVE SERVICES WITH REPORTING TANF (TEMPORARY ASSISTANCE FOR NEEDY FAMILIES) MOE (MAINTENANCE OF EFFORT) MATCH FUNDS TO MEET THE REQUIRED ALLOWABLE EXPENDITURES TOWARDS THE MOE REQUIREMENT

Finance Director Elizabeth Frances advised this is being requested by DHHS; while it doesn't cost us anything, we do need to report what we do for the eligible families to the State, so the State can meet their "maintenance of effort" requirement. She has talked with Social Services Director Desiree Barnson, who supports this. Director Frances clarified that this is reporting what we do on behalf of those families from our local funds. Chairman Richard Howe entertained a motion to approve. Commissioner Shane Bybee made a motion to assist the Nevada Div. of Welfare/Supportive Services with reporting TANF MOE match funds to meet the required allowable expenditures towards the MOE requirement. Commissioner Carol McKenzie seconded. Motion carried.

NOTICE OF UNTIMED ITEMS

DISCUSSION/ACTION/APPROVAL TO DIRECT THE DISTRICT ATTORNEY TO DRAFT AN ORDINANCE CONCERNING HUNTING IN CLOSE PROXIMITY OF RESIDENCES IN WHITE PINE COUNTY

Chairman Richard Howe called upon Ms. Julie Gianoli to see if she wished to add anything to her written/oral statements; her reply was negative. He advised we've heard from the assemblage and also heard letters written on this. Mr. Richard Bustos approached the Board and advised that in case the shooting Ordinance goes into effect, this Board should make an exclusion for shooting in self-defense or in protection of

property. Deputy District Attorney Bryan Pyle noted we already have a firearm Ordinance covering guns, rifles, etc.; Washoe County includes bows and crossbows in their Ordinance. He emphasized to the assemblage that the District Attorney can only enforce laws that are already on the books; the power to pass any County law resides with the County Commission. He continued that the District Attorney could be directed to draft an Ordinance; however, it takes 6-8 weeks minimum in the process, including public input and multiple rewriting periods. The D.A.'s office, he continued, isn't comfortable about regulating hunting as a whole, as that could conflict with State laws; so something similar to what Washoe County has might be considered. He noted that it isn't the intent to prohibit an occupant/tenant from shooting on their own property. In reply to a query from Commissioner Carol McKenzie, he noted the zones are listed in respect to discharge of firearms; anyone can research the NRS for those. Commissioner McKenzie felt the codes are pretty old, though; she cited where she lives, in the community of Lund, which is a mile long. A 2-mile buffer would be difficult to defend! Commissioner Steve Stork felt this was all an overreaction to a single incident; he knows someone was out there archery hunting on public lands, which is meant for multiple-use. He added it's unknown if any of the people up on the hill have any of their properties properly posted; he continued that feeding them entices them in there, and the only way to solve this situation is by hunting. "They are wild animals, they are not pets." He cited a situation in LaMoille, where first there were many deer; then came the mountain lions; and finally the Fish & Game had to be called in, after which several hundred animals had to be destroyed. While he sympathized with the property owners, he noted they live in an area adjacent to public lands. He can't support any Ordinance that would restrict such hunting, and feels there are other solutions to the problem.

Chairman Richard Howe supports what Mr. Bustos has stated, however, with respect to buildings, there does need to be some common sense with a buffer being set up. He feels an Ordinance to protect the public is needed; true, he believes the hunters are all good with a few exceptions, and hunting is a huge part of our rural counties in Nevada. He didn't think there would be a hunter anywhere who would shoot towards a house, that's just common sense; he added that "we live in areas where we choose to live." While few do abuse this, he does agree something should be in place to protect our safety, whether on Squaw Peak or Duck Creek or wherever. However, in asking the District Attorney, we need to NOT add language to restrict hunting, but rather to DO put something in there to protect our citizens. In his opinion, it should be good for both the hunters and the public. Commissioner Gary Perea would like to see us move forward with this process, and also request input from the Wildlife Advisory Board, the Sheriff's Dept., and to have more public input as well. He advised he's familiar with this issue in Baker as well; an Ordinance needs to have common sense, not to restrict good hunters but to provide for public safety. Commissioner Shane Bybee agreed the Wildlife Advisory Board needs to be in on these discussions; the more points of view we can get, the better we can provide for going forward.

Chairman Richard Howe explained the public hearing process to the assemblage, and assured them they will have every opportunity to provide input into this Ordinance. Following further discussion, the Commission reached a general consensus that the Wildlife Advisory Board should be directed to address this issue. Commissioner Gary Perea made a motion to request that Board for their comments, and also to request the D.A. research the existing Ordinance and return to this Board. Deputy D.A. Bryan Pyle advised the agenda item doesn't cover that; in fact he felt no action would be required in this event. Mr. Mitch McVicars, a member of the Wildlife Advisory Board, advised this had been discussed several months ago; most counties are against another regulation on this topic. However, with this incident, it is felt this could come back up again. As to the Washoe County Ordinance, he felt we might not want that since we are so different from Washoe; their new Ordinance really hurt sportsmen. Chairman Howe advised that if the Wildlife Advisory Board could come and discuss this and perhaps come up with suggestions we could share with the District Attorney's office. Mr. McVicars, who is also President of the Bristlecone Bowmen, advised they rent the Boy Scout Camp every year for the Archery Shoot, and he's pretty sure if a buffer zone is created that would ruin the event since they wouldn't be allowed to shoot a bow anywhere near that property; there are homes in close proximity, he explained. He concluded by stating that "we can't let emotions make the decisions." Commissioner Bybee would like to see the comments from the Wildlife Advisory Board before we choose which direction to go in this. Commissioner Stork felt that he would like to review to see what's already in place that could really address some of these concerns, as well. Following further brief discussion, Chairman Richard Howe entertained a motion to table.

Commissioner Steve Stork made a motion to table this agenda item. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/ACTION/APPROVAL TO REAPPOINT GAREY HARRISON TO THE BOARD OF EQUALIZATION**

A letter was cited, which is in the backup materials, from Mr. Garey Harrison asking to be reappointed to this Board. Commissioner Gary Perea made a motion to reappoint Mr. Garey Harrison to the Board of Equalization as requested. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/ACTION/APPROVAL TO REAPPOINT LARRY DUNTON TO THE BOARD OF EQUALIZATION**

Another letter has also been received from Mr. Larry Dunton requesting his appointment to this Board. Commissioner Steve Stork made a motion to reappoint Mr. Larry Dunton to the Board of Equalization as requested. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/ACTION/RATIFICATION OF THE STATE EMERGENCY RESPONSE COMMISSION HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) MID-CYCLE GRANT APPLICATION FOR \$12,068.80**

Finance Director Elizabeth Frances advised this grant application was prepared by LEPC and approved by Chairman Richard Howe; it needs to be ratified. She explained this is the grant that covers our Emergency Services personnel to attend the Fire West Show, and recommended approval. She noted that both City and County emergency personnel attends these shows regularly. Chairman Richard Howe entertained a motion to approve. Commissioner Carol McKenzie made a motion to ratify the SERC HMEP mid-cycle grant application for \$12,068.80 as requested. Commissioner Steve Stork seconded. Motion carried.

**DISCUSSION/ACTION/APPROVAL TO AMEND THE EXISTING MARICH FIELD CONCESSION AGREEMENT FOR TUMBLEBUGS GYM FROM 8% OF GROSS RECEIPTS TO 5% OF GROSS RECEIPTS FOR THE TOYS FOR TOTS SOFTBALL TOURNAMENT ONLY**

Chairman Richard Howe cited the handout provided to the Board, noting it's self-explanatory. We normally receive 8% and they would accept 5% for this one-day event, for Toys for Tots. Commissioner Steve Stork made a motion to approve amending the existing Marich Field concession agreement for Tumblebugs Gym from 8% of gross receipts to 5% of gross receipts for this softball tournament event for the Toys for Tots. Commissioner Shane Bybee seconded. Motion carried.

**DISCUSSION/ACTION/APPROVAL OF MINUTES FROM THE FOLLOWING COUNTY COMMISSION MEETINGS:**

August 8

August 22

Commissioner Gary Perea made a motion to approve the August 8 Commission meeting minutes as presented. Commissioner Shane Bybee seconded. Motion carried, with Commissioner Steve Stork abstaining as he was absent from that meeting. Next, Commissioner Steve Stork made a motion to approve the August 22 Commission meeting minutes as presented. Commissioner Carol McKenzie seconded. Motion carried, with Commissioner Shane Bybee abstaining as he was absent from that meeting.

**PUBLIC COMMENT**

There was none.

**ADJOURNMENT**

At 2:13 p.m., Chairman Richard Howe entertained a motion to adjourn. Commissioner Shane Bybee made a motion to adjourn; Commissioner Steve Stork seconded. Motion carried.



BOARD OF COUNTY COMMISSIONERS  
COUNTY OF WHITE PINE  
STATE OF NEVADA

BY: Richard Hurr  
CHAIRMAN

ATTEST:

W. Daldwin  
WPC CLERK OF THE BOARD