



Elko County Board of Commissioners

Commissioners

Demar Dahl

Glen Guttry

Charlie Myers

Warren Russell

R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA)
COUNTY OF ELKO) ss.

JULY 6, 2011

The Board of Elko County Commissioners met in regular session on Wednesday, July 6, 2011, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners Demar Dahl, Chair
Glen Guttry
Charlie Myers
Warren Russell
Jeff Williams
County Manager Robert Stokes
CFO/Asst Co Mgr Cash Minor
Deputy District Attorney Kristin McQueary
Deputy County Clerk Marilyn Tipton
Library Director Jeanette Hammons
Planning/Zoning/NRMAC Randy Brown

Chairman Dahl called the meeting to order at 1:32 p.m.

John Carpenter led the meeting participants in the Pledge of Allegiance.

[1:33:32 PM](#)

Commissioner Russell departed from the meeting room to attend the Central Nevada Regional Water Authority teleconference.

I. COMMENTS BY THE GENERAL PUBLIC:

Wes Henderson, Deputy Executive Director of NACO, encouraged the Board members to serve upon the two NACO standing committees. He informed the Board of the annual NACO conference scheduled in Fallon on September 20th thru September 22, 2011.

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II. CITY OF ELKO:

Discussion and consideration of a report by City Councilman Jay Elquist on issues and activities of interest to the City of Elko.

Commissioner Guttry stated Jay Elquist was on vacation.

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III. ELKO COUNTY LIBRARY BOARD OF TRUSTEES:

Report and review of Board of Trustees activities and minutes including issues related to the continuing operation of the County Library.

Jeanette Hammons reported the restrooms were being remodeled but the parking lot resealing project was delayed. She gave an overview of the Library Services and Technology Act grants awarded: \$50,000 for tri-county Needs Assessment and a \$5,000 grant for Preventing Reading Deficiencies. She reported the Summer Reading Program had 624 registered participants in the three categories. Jeanette Hammons reviewed the Novel Destination T-shirt Program. She stated in June the Children's Department had 1,063 participants in their programs. Jeanette Hammons stated the Elko Daily Free Press requested a partnership with the Library on an adult spelling bee fund raiser. She encouraged the Commissioners to form a team of three and participate in the adult spelling bee on August 18th at the Stockmen's.

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IV. NEVADA DEPARTMENT OF TRANSPORTATION (NDOT):

Statewide Transportation Improvement Program, Annual Work Program – Short and Long Term Elements for Elko County:

Presentation and discussion of the proposed NDOT Transportation System Projects (TSP) document and 2012 Annual Work Plan (AWP), followed by consideration of approval of the Project document, discussion of State Transportation Department issues.

Robert Chisel, NDOT Asst. Director of Administration, introduced Kim Wallin, State Controller; Paul Schneider, FHWA; Kevin Lee, District Three Engineer; Michael Murphy, District Three Asst. Engineer; William Hoffman, Asst. Director of Engineering; Jason Van Havel, Michele Gardner-Lilley, Kevin Verre, Terri Compton, and Jen Cooper, of the NDOT Planning Division.

Kristin McQueary informed them there was a 2:00 p.m. time schedule for this agenda item and asked that they delay their presentation until 2:00 p.m.

Chairman Dahl requested Kim Wallin to speak to the Commission.

Kim Wallin, State Controller, reviewed the Controller's duties. Commissioner Myers inquired about the impact of the Court Order upon the funding swept from Clark County. Kim Wallin stated the Board of Examiners will take it to the Legislature and there would be a Special Session to have the

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money appropriated and sent. Kim Wallin gave an overview of the annual financial statements/reports her office prepared. She stated AB 196 allowed the State Controller to collect debts owed to the District Courts, Cities and Counties under a collection agreement. She noted the State Controller had specific collection tools, and could do financial data matching. Kim Wallin stated they had drafted an agreement with the federal government to do Treasury offset.

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VII. ELKO COUNTY BOARD OF EQUALIZATION:

Discussion consideration of the reappointment of Wes Bowlen and Alan Plank to the Elko County Board of Equalization with terms ending June 30, 2015.

Katrinka Russell recommended reappointment of the board members.

MOTION: Commissioner Myers moved for reappointment of Wes Bowlen and Alan Plank to the Elko County Board of Equalization with terms ending June 30, 2015. Commissioner Guttry seconded the motion. The motion passed unanimously.

IV. NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) Continued:

Robert Chisel, NDOT Asst. Director of Administration, inquired if they had any questions regarding the plan. He noted there were fifteen performance measures implemented to cover the department's functions. He reported they maintain over 5,400 centerline miles of road and stressed the importance of transportation within the communities to lifestyles, economics, etc. Robert Chisel stated they had implemented a safety program with the goal of zero fatalities. He reported they had installed numerous Intelligence Transportation System upgrades and were updating the 511 system for road conditions and putting up dynamic message signs. He stated automatic deicers were being placed on some of the bridges. Robert Chisel reviewed their programs inclusive of project development. They were conducting studies on I-15, I-80 and looking at the creation of a new interstate I-11 in the Phoenix/Las Vegas area. Robert Chisel gave an overview of their pavement preservation program. He stated retaining staff was a big issue especially in Elko County. Robert Chisel stated Fiscal Funding for 2012-2013 was \$1.2 billion dollars which was a decrease of \$200 million dollars which he attributed to the loss of the ARRA funding. He stated federal government provided funding for the interstate areas and upon the national highways 93 and 95. Robert Chisel stated 70% of their funding was spent upon construction, 25% upon maintenance and 5% upon administrative.

Robert Chisel presented the 2012 Annual Work Program in the amount of \$48 million dollars. He stated there was an enhancement program included for the City of West Wendover on Wendover Boulevard in the amount of \$650,000.

He commented one of the projects on SR 229 would be delayed and the US 93 wildlife undercrossing was delayed one year for more herd migration information.

Kristin McQueary inquired what NDOT was doing east of town. Kevin Lee, District Engineer, replied it was a combination of shoulder work to extend the slopes, removing some guardrail and other obstacles for safety and fatality reduction, bridge work and there would be re-pavement. Commissioner Williams inquired if stimulus money was the funding source. Kevin Lee replied the funding was federal interstate maintenance funding. Commissioner Guttry inquired about advertising on the signs at the entrances of the towns. Kevin Lee stated there was no advertising within NDOT rights of way; the signs inform the public of road conditions and displayed safety messages.

Commissioner Myers commented upon the noise complaints received regarding the Nevada Highway Patrol truck inspection area. He inquired if there was a plan to move that truck stop location and received a negative response. Commissioner Myers suggested a sound barrier for the residents in Osino.

MOTION: Commissioner Myers moved to approve the Statewide Transportation Improvement Program, Annual Work Program Plan for the Short and Long Range Elements for Elko County as presented by NDOT. Commissioner Williams seconded the motion.

Kristin McQueary reviewed recent legislation that required a public comment period upon each action item.

Chairman Dahl requested public comment.

John Norton inquired if Idaho Street was a State Highway. Commissioner Myers replied the City assumed Idaho Street. John Norton asked why they were doing all the curbing on Idaho. Commissioner Myers stated formally the street was concrete so there had been a ripple effect.

John Carpenter stated when he sat on the County Commission the State came to them to assume Idaho Street. He stated the City assumed Idaho Street when George Corner became Mayor rather than leaving it a State Highway.

John Carpenter inquired about the deer crossing on the Pequops. Kevin Lee stated the deer crossing was in design phase.

Chairman Dahl requested if there were further public comments. No more public comments were submitted.

The motion passed by majority vote. Commissioner Russell was absent during the vote.

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RECESS

Chairman Dahl called a recess at 2:31 p.m.

[2:43:15 PM](#)

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RECONVENE:

Chairman Dahl reconvened the meeting at 2:43 p.m.

[2:43:41 PM](#)

V. BOARD OF COUNTY HIGHWAY COMMISSIONERS:

Chairman Dahl called the meeting to order at 2:44 p.m.

A. COMMENTS BY THE GENERAL PUBLIC:

No public comments were submitted.

Chairman Dahl turned the meeting over to the Highway Clerk Jeff Williams.

[2:45:09 PM](#)

Commissioner Russell returned to the meeting room.

[2:45:38 PM](#)

B. 2011 HARRISON PASS CHIP SEAL PROJECT:

Pursuant to Notice No. 22-2011, Harrison Pass Road Chip Seal Project 2011, bids were received and opened on June 30, 2011. Pursuant to review and tabulation results, consider awarding the bid to the lowest responsive/responsible bidder.

Otis Tipton gave an overview of the three bids received: Sierra Nevada Construction Inc., in the amount of \$206,007; Intermountain Slurry Seal in the amount of \$292,292 and Aggregate Industries \$384,444. He stated the Engineer's recommendation was to award the bid to Sierra Nevada Construction.

Commissioner Myers questioned the discrepancy in the bids. Otis Tipton stated the company was out of Reno and was currently doing work in Jackpot. He stated \$245,000 was budgeted from Federal Highways and Federal Highways, who had committed to cover 65% of the bid.

MOTION: Commissioner Guttry moved to award the Harrison Pass Road Chip Seal Project bid to Sierra Nevada Construction, Inc., in the amount of \$206,007.00. Commissioner Myers seconded the motion.

Acting Chairman Williams called for public comment. No public comment was submitted.

The motion passed unanimously.

[2:48:27 PM](#)

C. ELKO COUNTY FAIR BOARD:

Discussion and consideration of a request for racetrack preparation assistance for the horse races at the County Fair.

Otis Tipton stated Alfonso Ygoa, a part-time employee, did the work every year. He stated the Road Department paid their employees for eight hours a day, five days a week, and anything extra the Fair Board had to pay for. If they had to pull a full time person from the Road Department under the Employee

Association and Contract, there may be issues with the overtime and being under the control of the Gaming Commission. Commissioner Myers stated the Fair Board could reimburse the County for the overtime.

Commissioner Guttry commented there was a letter from the Fair Board requesting an operator and blade for five weeks which was very costly. Otis Tipton stated it was for preparation of the track. Commissioner Williams commented the Road Department was reducing some of the maintenance on the roads and reducing the dust suppression to keep within in budget yet they were taking personnel and equipment out of the Road Department to put upon the race track. He suggested they take the money for the people working on the race track out of the County's budget and keep the road funds intact.

MOTION: Commissioner Myers moved to approve the Fair Board's request for racetrack preparation assistance for the horse races at the County Fair but also send a letter from the County Manager to the Fair Board stating that due to budget constraints the County may not be able to do this next year and they need to look at a solution. Commissioner Guttry seconded the motion.

Commissioner Dahl requested clarification upon funding. Commissioner Williams suggested the County's funding be utilized for this rather than road funding. Commissioner Myers stated the purpose of the letter was for the Fair Board to analyze the costs to do this preparation and for them to ask for this additional funding so they don't take someone from the Road Department. Commissioner Guttry suggested the Fair Board go for Recreation Funds and consider it as a donation of \$10,000 or \$15,000 each year so this money was not taken from the Road Department or the equipment. He stated the Fair Board could take that money and keep the track up. Commissioner Myers stated next year this could be taken out of community funds.

Commissioner Russell proposed an amendment to the motion asking the Fair Board to make suggestions on how to reduce the total amount of time that was being used by the operator to maintain the fairgrounds and the costs.

Commissioner Myers restated his motion with amendments as follows:

Commissioner Myers moved to approve the use of Road Department personnel for the Fair and that they send a letter to the Fair Board from the County Manager stating that next year we may not be able to fund this because of budget; and ask them to submit to us the program that they do in preparation of the track and number two the overall costs that it costs when they have a Road Department person working at the Fair

Grounds for the Fair Board. Commissioner Guttry seconded the amended motion.

Acting Chairman Williams called for Public Comment.

No public comments were submitted.

Commissioner Dahl questioned the intent of the motion for the Fair Board to submit a preparation plan. Commissioner Guttry that was to find out what it cost the Road Department every year. Otis Tipton stated he kept those records every year. Commissioner Russell stated there was also an opportunity for the Fair Board to submit suggestions on how to reduce those costs.

Commissioners Myers, Guttry, Williams and Russell voted aye.

Commissioner Dahl voted no. The motion passed 4-1 with a majority vote.

[2:59:05 PM](#)

D. HIGH WATER IMPACTS ON COUNTY ROADWAYS:

Discussion and consideration of the impacts of high water events on various roads in the County.

Otis Tipton stated the crews were attempting to keep the roads open in the Lamoille and Starr Valley areas where the most population was. He stated they lost a section of Trail Creek Road at Bull Run where the culverts were. He reported there was washing in the Jarbidge main road on the Idaho side. Otis Tipton stated there was flooding in the town of Jarbidge through Bear Creek. He explained when Bear Creek goes down the channel has to be cleared of rocks to prevent flooding the next year. He reported that Copper Basin was closed due to snowdrifts and on Bear Creek Summit there was a 30 foot snowdrift. He stated people could travel the Charleston route as far as Camp Draw to get into the head of Mary's River. He reported the Mary's River was flooding Deeth. Otis Tipton stated Meadow Creek was diverted by beaver dams into the Gold Creek Road and that portion of the creek was upon private property which could be diverted back into the original creek bed. Otis Tipton stated the County could not divert the creek back without engineering and permits. The Forest Service had suggested using RAC funding to return the creek to its original channel but he questioned whether the Forest Service had blanket water permits to redirect the creek. He was told by the Forest Service they would not have a crew to repair the road until next year. Otis Tipton commented RAC money was to be used for private contractors and believed a contractor could perform the work within a week. He had talked to Commissioner Dahl previously about volunteers putting that creek back into the original creek bed. Commissioner Myers replied RAC was this Friday but questioned if Meadow Creek was upon the agenda. Tom Montoya acknowledged it was on the RAC agenda. Commissioner Dahl inquired

about the requirements for a private person to take equipment into the water. Otis Tipton understood the Stolls could divert the water back into the creek bed because it was their water rights, their irrigation water/ditch, and their private property. Commissioner Myers voiced concern about the cost of repair because of the length of time the water was in the road. Otis Tipton stated his crew would not be able to do the repair until late fall due to the amount of snow and water.

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E. GENERAL DISCUSSION OF ROUTINE ROAD MAINTENANCE ISSUES:

Commissioner Dahl inquired if the road had been bladed at the Gamble Ranch. Otis Tipton replied it was and he was to inspect it tomorrow. He was informed that the cattle trucks tore up the road and the mine was utilizing that road for exploration. Commissioner Dahl had been informed they would start hauling hay out. Otis Tipton stated there was an agreement with the ranch that the County only bladed that road twice a year. Commissioner Myers inquired about the mine hauls. Otis Tipton stated they were going through the ranch property so the mine would deal with the ranch. Commissioner Dahl asked that a copy of the road agreement be sent to the new manager of the ranch. He would send Keith's address to Otis.

Commissioner Russell had requested the County Manager schedule a multi-agency meeting in August with the County, the BLM from Idaho, the Three Creek Road District, the Forest Service and the Jarbidge representatives on the maintenance issues of roads that cross over Nevada and Idaho boundaries upon the Forest Service, BLM and private property. He stated it would be an informal setting in Jackpot. He stated the Forest Service offered equipment and the Three Creek Road District did partial repair in the Jarbidge area but there was no coordination between agencies. Otis Tipton stated the County equipment and personnel in Jarbidge were overwhelmed to keep the Jarbidge road open from the sloughing as a result of the Forest Service's excavation into the hillsides.

Commissioner Williams commented the pipeline company was working on the road between Midas and Tuscarora but he believed there was a lack of quality materials. Otis Tipton would be doing an inspection on the road.

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ADJOURNMENT OF THE HIGHWAY BOARD:

Acting Highway Chairman Williams adjourned the Highway Board at 3:12 p.m.

[3:13:22 PM](#)

VI. JACKPOT TOWN BOARD:

Chairman Dahl called the Jackpot Town Board to Order at 3:13 p.m.

JACKPOT WATER SYSTEM:

A. Intent to File Application with USDA Rural Development:

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Pursuant to Notice No. 23-2011, conduct a Public Hearing regarding the Intent to File Application with USDA Rural Development for funding of \$1,200,000 for necessary water system improvements to the Jackpot Water System.

Robert Stokes stated this project covered an 18 to 24 months time period and was \$2.5 million dollars in improvements to the water system. He stated that included this application for a loan in the amount of \$1.2 million dollars.

MOTION: Commissioner Myers moved to submit an application with USDA Rural Development for funding of \$1,200,000 for water system improvements to the Jackpot Water System. Commissioner Williams seconded the motion.

Chairman Dahl called for public comment.

No public comments were submitted.

The motion passed unanimously.

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ADJOURNMENT OF JACKPOT TOWN BOARD:

Chairman Dahl adjourned the Jackpot Town Board at 3:15 p.m.

[3:15:18 PM](#)

VIII. ELKO COUNTY NATURAL RESOURCES MANAGEMENT ADVISORY COMMISSION (NRMAC):

A. Wild Horse Management:

1. Discussion and consideration of a request that the County consider evaluate and research the potential of joining legal action requesting that the Bureau of Land Management and Department of the Interior properly manage public lands through wild horse management including discussion of gathers that have been cancelled or have the potential to be cancelled.

Randy Brown stated the horse gather was protested last Friday. Commissioner Dahl noted there was a NACO board meeting and they discussed a possible legal action. He stated Bonnie Weber, of Washoe County, and Tom Collins, from Clark County, supported NACO taking the lead. The NACO Public Lands Committee recommended to the President of the Board that they have a meeting in July. Commissioner Guttry inquired about the costs to the County. Commissioner Dahl stated NACO would not participate in the funding but they had verbal commitments already in the amount of \$100,000 for the lawsuit. Commissioner Dahl explained the teleconference of the NACO Public Land Council included the Friends of the Wilderness and Tina Nappe who had verbally committed the Sierra Club.

MOTION: Commissioner Myers moved that the Commission send a letter of support to NACO and have all the Commissioners sign that letter. Commissioner Russell seconded the motion.

Commissioner Dahl suggested they send it to all the other counties and their legislative/congressional delegation.

The motion passed unanimously.

Chairman Dahl called for public comment.

No public comments were submitted.

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2. Discussion and consideration of issues related to an Environmental Analysis (EA) to study the potential impacts of the development of wild horse sanctuaries.

Cliff Gardner, of Great Basin Consulting, submitted copies of the Elko County Wild and Free Roaming Horse and Burro Management Draft Environmental Assessment. He stated this proposed draft EA was a step by the County to become more involved in the planning upon public lands. The two objectives were for an EIS to become established and to prevent the continued destruction to wildlife, wild horses, land, and water resources. Cliff Gardner stated numerous endangered species should be taken into consideration. Great Basin Consulting had collected news articles since 1984 wherein wild horses had suffered. He stated they would contact people from Central Nevada to record damage to that area. The second packet submitted was the BLM Nevada Wild Horse Antelope Complex EA, showing the damage by the wild horses. Cliff Gardner testified upon the springs and range conditions in Goshute Valley and the Spruce Mountain areas.

Commissioner Williams inquired if the wild horse groups could say the vegetation was denuded by livestock rather than horses. Cliff Gardner stated that argument would have to be pursued through records. He stated the Sorensen Family and Kent Jones had abandoned certain areas of their allotments to the wild horses. Commissioner Dahl inquired how long since cattle had grazed on Deer Springs. Cliff Gardner stated Kent Jones had pulled the cattle off for several years. He commented the Sorensens had not used the last two valleys east of Spruce Mountain for two years before the sale of the ranch. Commissioner Myers recommended they obtain written statements from the permittees of their non use upon the range dominated by wild horses. Commissioner Williams suggested they obtain BLM records showing historically when the cattle were last on that range area and what the ranchers had been paying for the AUMs. Cliff Gardner stated three permittees would cooperate and submit statements. Commissioner Dahl commented upon the limited use of livestock on these allotments. Randy Brown noted the horse trails to the springs in the Bluebell WSA had caused damage in that area. He noted that cattle usually travel on one trail. Cliff Gardner stated they should seek professional

testimony from experts upon the impact of horses versus cattle. Commissioner Dahl inquired if the proposed County EA had the goal of getting the BLM to do a detailed Environmental Impact Statement. Cliff Gardner commented the Resolution creating the County resource board was to enable the County to develop a joint planning process with the federal agencies. Commissioner Dahl noted livestock usage in the allotments were given specific seasons during the year and questioned if the horses would only be able to use the allotments during specific times during the year. He questioned how they would control the horses from using the allotment for the remaining months of the year that historically livestock had not been able to utilize. Cliff Gardner suggested there be a NEPA action upon the impact to sage grouse habitat. He stated the wild horses were not being managed in a way to achieve economical balance and for protection of the natural resources.

Ken Miller, Elko BLM District Manager, understood there was discussion in participation with NACO on the lawsuit. He did not understand this discussion upon a proposed EA because when the BLM did an EA or an EIS document it was based upon a proposed action from a permittee or a mining company. He asked if the County was proposing a new action. Ken Miller believed the BLM and County agreed that when they talk about a thriving economic balance it was about getting to Appropriate Management Levels in Herd Management Areas. He stated the BLM was not at AMLs across the west. Ken Miller stated the Triple B gather was to begin today but it was held up by litigation and the individuals working to hold up the gathers had to submit their argument by Friday. He noted the BLM's response was due July 14, 2011. He believed the EA would stand solid but that did not mean litigation would stop. Ken Miller stressed the need to reduce the numbers to the AML. Commissioner Dahl voiced concern that even at Appropriate Management Level of the horses and there was seasonal use for livestock but the use of horses was year around. Ken Miller stated in theory the permitted livestock use and the Appropriate Management Level should balance with the horses being out there year-around for a healthy rangeland. He stated there was a question of how to manage horses from the sanctuary. He stated if the proposal included moving the horses routinely it would have to be by helicopter and they should be moved on a monthly basis. Ken Miller stated if they move forward to consider a sanctuary proposal they would do it under NEPA compliance. He commented the Pickens had 500 head of privately owned horses that were not eligible to be part of a sanctuary. He stated those horses could be part of a permitted allotment if the allotment was converted from cattle to horses. Commissioner Dahl inquired if there was a proposal for the conversion. Ken Miller stated there was no solid proposal. Commissioner Dahl

inquired if there would be an EIS on that proposal. Ken Miller stated there would be an EA or an EIS. Commissioner Dahl inquired if the BLM would accept the County as a coordinating agency on the EA. Ken Miller stated the County would be asked if they want to be a cooperator. Commissioner Myers voiced concern that Pickens' horses may go through their fence and get on the public lands after being on private property that had white top which would spread the white top upon the public lands. Ken Miller stated whether the horses or the wind spreads the white top it was a big issue upon their private property.

Commissioner Williams inquired if the BLM would fence the springs to keep horses from causing damage to the springs and commented upon the expense. Ken Miller stated managing horses within a sanctuary would be part of the agreement with the individual operating the sanctuary. He stated they would have to manage all riparian areas and all springs in the area, and that would be a cost that the BLM would have to pay them to manage the springs. Ken Miller stated NDOW wished to fence off some springs in the WSA and pipe the water into troughs to protect the spring.

Commissioner Williams inquired if the BLM paid the horse gathering contractor for the delay to perform the service by the scheduled timetable. Ken Miller stated at sometime the BLM would incur costs with the contractor because of the court litigation. Ken Miller noted they were attempting to educate the public that as the horse population outgrows the water and feed, there would be more dead horses than they have now. He stated they were preventing die offs by hauling water or providing water to keep the major crisis from happening. Commissioner Dahl noted some of the ranchers gave up areas that include their private land to keep the horses from dying off. Ken Miller stated the majority of the springs in the Antelope Complex were upon public lands but they were private water rights. Commissioner Russell suggested better public relations displaying pictures of the springs "before" and "after" horse damage.

Ken Miller disagreed with Cliff Gardner that the management plans since the 1971 Act had been a disaster. He stated the BLM have taken horses off or got them water so they did not see pictures of 300 horses dead. He did not believe they were in a crisis situation. He stated their program has survived even though they have not had the tools that they needed to reach AML levels. Commissioner Dahl stated in 1969 they trapped horses to control the population but the herd population got ahead of them because in 1973 no more domestic horse permits were issued. Commissioner Dahl protested the 1973 action and at that time the BLM had maps of his range and the current horse numbers in each area. In 1979, he filed suit in Federal District Court asking that the horse numbers be returned to the 1971 level. He explained the Act stated the horses

could not be in areas that they were not in 1971 and they could not fence to control the movement of the horses. He stated the logic was to keep the horses at the number in 1971 but the suit was thrown out of court because the BLM had not determined the actual HMAs within that range. Commissioner Dahl commented horses never move on the range and were there year around. He stated in looking at the pictures of the horses, he felt it was a crisis situation. Ken Miller stated the BLM had fought the battle for forty years. Commissioner Dahl reviewed the Fellini lawsuit against the BLM trying to save their range from the horses. He reviewed the tour of the Tomera range allotment. Commissioner Dahl believed the only way to get to AML was to have the court tell the BLM to sell the horses. He stated the County wanted to be a cooperating agency on the sanctuary proposal.

Grant Gerber stated the public was not seeing these types of pictures of the horses dying of thirst. He suggested a picture such as on page 6 or 7 of the Elko County Draft EA proposal should be placed on a billboard. He recommended that the County move quickly, utilize their document as a base, and submit their pictures in to educate the public. He cautioned the Pickens people were carrying public support with their public relations campaign. He stated the BLM were required to do an EA and may be pushed into an EIS wherein the County could submit their information. Grant Gerber proposed the County do a press release with some of these pictures. Randy Brown volunteered to work with Grant Gerber on the press release.

Cliff Gardner commented the 7H ranch was across the valley from them and ran few cattle in the Maverick Allotment since the 1980's because the white sage was being eaten off by the horses before winter came. He stated Seven H had sold out to Barrick Gold because of the over regulation. He stated Jared Sorensen had given up large amounts of their area to the wild horses before they sold out. Cliff Gardner stated if the situation remains the same the horses would destroy the critical habitat for endangered species, wildlife and the horses themselves. Commissioner Dahl agreed the range was not in good shape.

MOTION: Commissioner Williams moved that they assign or ask Randy Brown to work with Grant Gerber to do press releases or other forms of announcements that would help take care of some of the problems in letting the general public know the situation we have with wild horses, using pictures and other means to show the destruction by wild horses because of water and feed problems.

Commissioner Dahl stated the agenda item was to include a wild horse analysis.

Commissioner Williams amended his motion to add verbiage of “to work on an environmental analysis on the wild horse problem”.

Commissioner Guttry questioned if Cliff Gardner was working on two different documents. Commissioner Dahl stated the agenda item was to consider the County’s participation in an EA or the completion of an EA by the County and ask for cooperating status with the BLM on the sanctuary issue.

Commissioner Myers stated the motion should be made under agenda item three. He suggested the motion be amended to have staff investigate the costs of an EA with Great Basin Consulting and bring it back to the Board for review.

Commissioner Williams rescinded his motion.

MOTION: Commissioner Myers moved to direct staff to work with Mr. Gardner on the possibility of joining with Great Basin Consulting on an EA depending upon the cost and if the costs exceeds the permission by law then have staff draft a proposal to go out for bids for three bids to come in to bring back to the Commission, and in the same sense we also ask for partnering with the BLM, cooperating agency status.

Commissioner Dahl asked if he would amend his motion to include authorization for Randy Brown to continue work with Great Basin Consultants as long as they stay within budget. Commissioner Myers noted they had already given that direction.

Commissioner Guttry seconded the motion.

Commissioner Guttry inquired if the County authorized Great Basin Consulting to perform the Environmental Assessment. Commissioner Dahl stated Cliff Gardner did it on his own. Commissioner Myers voiced concern that in the draft EA there was a lot of 1971 reference and requested more updated reference.

Randy Brown inquired about press releases. Commissioner Myers felt that should be in the next agenda item.

Commissioner Dahl requested Commissioner Myers restate his motion with amendments.

Commissioner Myers moved that they direct staff to solicit the cost of an EA and if it exceeds the amount by law that requires them to go out and rebid it, then the County Manager knows he had to go out and get three formal bids and bring it back to the Commission for approval. Commissioner Guttry seconded the amended motion.

Ken Miller stated an Environmental Assessment was a specific document associated with the National Environmental Policy Act. He inquired if they wished to re-title their document. Commissioner Dahl inquired if they could do an EA of the outcome of the BLM proposed action. Kristin McQueary suggested the County forward their document to be part of the BLM documents. She believed that the BLM would refer to the County's EA as a study or additional information from the County. Grant Gerber believed the County could do an Environmental Assessment. He stated the intent of Congress was to include local government in the process and sometimes the local government was the lead agency.

Chairman Dahl called for public comment.

No public comment was submitted.

The motion passed unanimously.

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3. Discussion and consideration of the U.S. Government Accountability Office (GAO) Horse Welfare report.

Commissioner Dahl noted this report addressed all horses in general and did not just pertain to wild horses.

Commissioner Russell stated item 3 was not listed as an action item. Kristin McQueary stated all action items need to be noted upon the agenda.

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Chairman Dahl reopened agenda item 2:

2. Discussion and consideration of issues related to an Environmental Analysis (EA) to study the potential impacts of the development of wild horse sanctuaries.

MOTION: Commissioner Myers moved that the Chair and the County Manager work with staff to come up with a program for public releases. Commissioner Williams seconded the motion.

Kristin McQueary stated having general information of impacts from wild horses was different than the impacts of wild horse sanctuary. She suggested a specific agenda item for compliance to the Open Meeting Law. Commissioner Dahl stated the public new releases were prompted by the public billboard on sanctuaries.

Commissioner Myers rescinded his motion. Commissioner Williams rescinded his second.

MOTION: Commissioner Myers moved that the Commission approve the direction to the Chair and Manager to work with staff and Mr. Gerber on a public awareness program that discusses horse sanctuaries, horse conditions and situations for Elko County. Commissioner Williams seconded the motion.

Chair Dahl called for public comment.
No public comment was submitted.

The motion passed unanimously.

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B. Discussion and consideration of issues reviewed by the Elko County Natural Resources Management Advisory Commission:

Randy Brown stated the Northeastern Nevada Stewardship Group had requested a NRMAC liaison be appointed to their board and NRMAC recommended Meghan Brown for the Commission's approval.

Kristin McQueary stated that should be upon the agenda as a specific act to appoint a person.

Commissioner Williams questioned the necessity of the Commission to appoint liaisons from NRMAC and believed NRMAC could assign liaisons designations but should inform the Commission of that action.

Commissioner Myers suggested future agendas have subtitles under NRMAC for specific action items.

Randy Brown stated on the China Mountain wind project there were problems within the EIS because Y2 Ranch had expressed concern with easements and no net loss in AUMs. He stated NRMAC had made the recommendation to the Commission that the Nevada Cattlemen's Association letter be included within the County's comments. Commissioner Myers stated the Commission previously voted on this because of a time frame and had requested this to be reviewed by NRMAC.

Randy Brown stated NRMAC agreed with the request for the six month comment extension prior to the Record of Decision on the FS Travel Management Plan. He stated NRMAC made the recommendation to the County Commission to be part of an outreach for the hiring of Tom Montoya's replacement. Randy Brown stated there was also a recommendation to write a letter in support of the US Fish and Wildlife to clear the backlog on the Endangered Species. Commissioner Myers commented those should be specific agenda items.

Randy Brown recommended they change the NRMAC meeting date to give more time to put all their recommendations on the County Commission agenda.

[4:57:37 PM](#)

IX. USFS Mountain City, Ruby Mountains and Jarbidge District Travel Management Project:

Discussion and consideration of issues regarding the Mountain City, Ruby Mountains and Jarbidge District Travel Management Project.

Tom Montoya reported they were in the process of getting the Final EIS through the Federal Register and the EIS should be out by the end of the week

and there would be a 45 day comment period before the Record of Decision.

Randy Brown suggested they request a six month extension on the comment period and request a stay on the Record of Decision on the final EIS.

MOTION: Commissioner Myers moved to send a letter to the Forest Service local, state and federal levels requesting a six month extension due to the items that Randy Brown had put in his letter previously and copies to the congressional delegation. Commissioner Williams seconded the motion. The motion passed unanimously.

Tom Montoya stated on a temporary basis of 120 days Troy Phelps would be Acting District Ranger, and they would bring in a local Fire Manager.

Commissioner Dahl presented a plaque to Tom Montoya on behalf of the Commission.

[5:04:25 PM](#)

X. ELKO COUNTY WATER RESOURCE ISSUES:

Discussion and consideration of water resource management and water rights issues that may impact Elko County including possible discussion related to the Southern Nevada Water Authority pipeline project and the Central Nevada Regional Water Authority activities and issues.

Commissioner Russell stated the first portion of this Commissioner's meeting he was on a telephone conference with the committee that was organizing the water conference on October 14th in Ely. He was looking forward to the material on improving and revising water plans and upon water right issues. Commissioner Russell stated they were looking at strategies dealing with legal issues. He invited the Board members to the meeting in Ely. He stated Randy Brown was in attendance in October.

Randy Brown commented the Nevada Water Resource Association's board meeting was scheduled next Wednesday with a mine tour and Thursday the meeting will be held in Lamoille at Bill Nisbet's place.

[5:07:12 PM](#)

XI. EL PASO GAS CORPORATION/ RUBY PIPELINE PROJECT:

Discussion and consideration of issues related to the Ruby Pipeline Project including possible discussion with Company representatives regarding the agreement to fund the removal of grazing leases and other activities on public lands.

Commissioner Dahl stated the controversy created over what the pipeline did resulted in the proposed changes to the Equal Access Act. He stated the bill was introduced by Senator John Barrasso in the Senate and Congresswoman Cynthia Lummis in the House.

[5:08:42 PM](#)

XII. COMMISSION AND COMMITTEE REPORTS:

Reports from Commission members regarding various committee, liaison or agency issues.

Demar Dahl, District 1 Commissioner:

Commission Chair, Liquor Board Chair - No action.

Wells, West Wendover, Jackpot, & Montello Liaison – He stated there was concern about losing Justice Court in Jackpot.

Humboldt River Basin Water Authority – He stated there was a meeting scheduled day after tomorrow in Winnemucca.

Western Counties Alliance - He stated Ken Brown would give a presentation at tomorrow's meeting.

Charlie Myers, District 2 Commissioner:

Nevada Division of Wildlife Liaison – He stated the Governor replaced some of the Wildlife Commissioners and hired Ken Mayer as the Director of NDOW. He believed there may be some challenges to that action.

Commissioner Myers stated the fund raiser for David Tilger was a successful event and publicly thanked Commission Williams and Gun World for the donation of the gun to the event raffle. He commented the ATV ride was 81 miles long and they had seen lots of water but little wildlife was present including birds. Commissioner Myers voiced concern that the snow was still high but there was no wildlife on the west side of the Charleston Road around Stagg Mountain.

Auditorium Authority Board (ECVA) – He stated the Mining Expo continues to grow. He commented there was support to move the MacKay School of Mines to Elko. Commissioner Dahl suggested the College of Agriculture also be moved to Elko.

Glen Guttry, District 3 Commissioner:

Elko City Liaison – He was reporting to the City on the County's activities.

Nevada Fire Safe Council – He had no contact with them.

Fire Science Academy Liaison – He stated Commission Myers attended the dinner for the new personnel. Commissioner Myers stated there had been position changes and they got acquainted with new UNR people.

Nevada Division of Forestry Liaison – He stated there were no meetings. Commissioner Myers asked that the NDF Chief give them notification of fires through the County Manager.

Hospital Board – He stated there was a meeting tonight at 6:00 p.m.

Recreation Board – He had been attending the meetings.

Regional Railport Committee Member – He stated there were no meetings held for a couple of weeks. Cash Minor stated there was a meeting scheduled this coming Monday.

R. Jeff Williams, District 4 Commissioner:

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Commission Vice-Chair Highway Board – He stated there was a question whether to continue the Road Services Advisory Committee.

Carlin, Mt. City, Midas, Owyhee, Jarbidge & Tuscarora Liaison – He stated the Carlin Citizens of the Year was a great event. He attended a Mountain City meeting last week and the Post Office will give them cluster boxes rather than a Post Office. He stated the Midas fence project has new life. He stated they would try to get the road crew to put the cattle guards in. He stated Randy Brown had not heard from Simplot on the Deer Creek Grade easement out of Jarbidge. He reported that Tuscarora was getting new restrooms.

Museum Board - He reported it would be \$200,000 for roof repair so they would hold a yard sale of some items. He stated Barrick Goldstrike offered to install a mining display in the basement.

California Trails Center Board Liaison – He stated there were new displays.

Natural Resource Management Advisory Commission Liaison – He stated they may change the meeting dates to coincide with the Commissioner meetings.

Nevada Association of Counties (NACO) Board (Alternate) – He requested notification to attend some of the meetings.

Juvenile Department Liaison – He stated there was a meeting scheduled next week on the 14th of July.

Sheriff Department Liaison – He stated there was an incident wherein the local officers utilized bean bags for apprehension. Commissioner Myers noted from listening on the scanner there was a lot of law enforcement, fire and EMS activities this past weekend.

Library Board of Trustees Liaison – He volunteered to pay the \$300 for the Commissioner’s adult spelling bee team to participate.

Commissioner Williams requested authorization to be assigned as liaison to the Northeastern Nevada Stewardship Group.

Warren Russell, District 5 Commissioner:

Highway Board – He stated they held the meeting today.

Regional Transportation Commission (RTC) - He stated Mayor Chris Johnson represented the City of Elko. The biggest issue was the report upon Idaho Street where they were behind schedule. Commissioner Myers noted there was impact to the businesses. Robert Stokes stated Dennis Strickland and Delmo Andreozzi had not received complaint calls.

Nevada Department of Transportation (NDOT) Liaison – He stated Elko County hosted the annual luncheon. He was informed the NDOT had been decreased thirty of the lower level equipment operators because of the pay scale. He believed this caused the delay on the maintenance projects.

Spring Creek Association Liaison – He noted Wendy Barnett gave a presentation for Spring Creek Utilities. He stated Wendy Barnett was forming a Spring Creek Joint Cooperative Committee with Mary Winter and several community members. He had been asked to sit upon the committee.

[5:29:54 PM](#)

XIII. COMMISSION MEETING CALENDAR:

July 20, 2011 – Midas and Tuscarora

July 29, 2011 – Annual Elko County Employees Picnic

August 3 & 4, 2011 -- Elko – Nannini Admin Bldg, Suite 102

August 17, 2011 – Jarbidge and Jackpot

Robert Stokes stated on July 20th he would not be in attendance.

Robert Stokes commented on August 17th they may have to go to Jarbidge through Idaho. He suggested meeting at Jackpot in the morning.

Robert Stokes stated the mid-month in September was scheduled for the 21st to Montello and West Wendover but the NACO conference was scheduled for the 20th through the 22nd of September. Robert Stokes stated they received confirmation that September 13th was the date of the special election and the canvas would have to be upon the 19th of September. He suggested they postpone the trip to Montello/Wendover and hold the regular meeting on the 19th of September. The Board discussed postponing the Montello/Wendover meeting until October.

[5:36:29 PM](#)

Commissioner Russell departed from the meeting room.

[5:37:11 PM](#)

XIV. CONSENT AGENDA:

A. Presentation and review of claims for approval

B. Approval of minutes: May 18, 2011, June 1, 2011, June 15, 2011

C. Approval of the Annual Service Awards for the County Picnic that is scheduled for Friday, July 29, 2011.

MOTION: Commissioner Guttry moved to approve the Consent Agenda. Commissioner Myers seconded the motion. The motion passed with 4-1 majority vote. Commissioner Russell was absent during the vote.

Kristin McQueary requested it be noted for the record that there was no public present for public comment.

[5:37:39 PM](#)

Commissioner Russell returned to the meeting room.

XV. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Kristin McQueary stated there were two amendments to the Open Meeting Law from the last legislative session. She stated AB 257, introduced by

Assemblyman Ellison, allowed for public comment at the beginning and the ending of the meeting. She commented Elko County allowed public comment on each agenda item. Kristin McQueary read portions of AB 257 into record. She stated the wording on their future agendas has changed to “*for possible action*” pursuant to this bill. She noted “public comment” was now at the top and the bottom of their agendas. Kristin McQueary recommended they allow the people to make comments before the vote of each agenda item. Commissioner Guttry stated that having public comment upon all action times would extend the time of the meetings. Kristin McQueary recommended they place this on the agenda as a specific item to discuss it. Robert Stokes noted on the agendas under the date it stated that public could comment on any agenda item by being acknowledged by the Chairperson while the Commission considers that agenda item. He commented this bill draft began with Assemblyman Carpenter. Commissioner Russell noted the public comment period only became lengthy when there was a controversial issue and he encouraged public involvement in the local government. Commissioner Myers requested it be placed on a future agenda to make a decision in public forum.

Kristin McQueary stated AB 159 was sponsored by the Government Affairs Committee. She stated if the Attorney General makes a Findings of Fact and Conclusion of Law that the public body violated the Open Meeting Law then the public body must include an item upon the next agenda posted which acknowledges the Findings of Fact and Conclusion of Law and the opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purpose of open meeting law violation. Kristin McQueary stated there had been no formal investigation for an Open Meeting Law violation for several years in Elko County. She stated the County always cooperated with the AG investigators on Opening Meeting Law allegations. Kristin McQueary stated AB 159 also affected the informal committees inclusive of the budget committee. She read the definition of “public body” from AB 159 to the Commission. Robert Stokes noted there had been two Commission liaisons appointed to the departments and asked if they would have to post their meetings. Kristin McQueary stated those appointments were made by action of the governing body so they would have to agenda those meetings. Commissioner Guttry asked for an Attorney General opinion on the railport meetings. Kristin McQueary stated the law stated “consisting of two persons”. Commissioner Myers suggested re-designation of committee appointments.

Kristin McQueary stated AB 159 changed sub section 241.020 2 c (2) wherein their notice must include a list describing the items upon which action may be taken by placed the term “for possible action” next to the appropriate item

upon the agenda. Kristin McQueary noted items could be taken out of order. She stated they could not restrict public comments based upon viewpoint. Kristin McQueary read the latest amendment to NRS 241.040 (1) wherein a member attending a meeting found in violation of the Open Meeting Law was guilty of a misdemeanor but through this bill an added civil sanction was included under subsection (4). Commissioner Guttry voiced concern about unknowingly going against the law. Kristin McQueary noted this discussion came up at a Deputy District Attorney's meeting because there were numerous advisory boards. She was concerned they may not get volunteers to sit on these advisory boards if the members face possible sanctions. Commissioner Russell inquired if they would be in violation if there was a discussion between two Commissioners prior to a meeting. Kristin McQueary explained that was not an advisory board created by the action of the Commission. She explained if the Commissioners were assigned to an advisory board then it becomes an action by the board. Commissioner Myers inquired about staff being in violation. Kristin McQueary stated this amendment pertained to subcommittees of the boards. She cautioned them focus will be upon the changes to the Open Meeting Law.

Commissioner Guttry cautioned funding a billboard to counter the wild horse groups. He believed the Board had went on record they had no problem with horse sanctuaries as long as it was upon private property.

XVI. COMMENTS BY THE GENERAL PUBLIC:

No public were in attendance.

[6:09:18 PM](#)

XVI. ADJOURNMENT:

**MOTION: Commissioner Myers moved to adjourn the meeting.
Commissioner Russell seconded the motion.**

No public was in attendance to submit comments.

The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 6:10 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk



Elko County Board of Commissioners

Commissioners

Demar Dahl
Glen Guttry
Charlie Myers
Warren Russell
R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA)
COUNTY OF ELKO) ss.

JULY 7, 2011

The Board of Elko County Commissioners met in regular session on Thursday, July 7, 2011, at 1:30 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners Demar Dahl, Chair
Glen Guttry
Charlie Myers
Warren Russell
Jeff Williams
County Manager Robert Stokes
CFO/Asst. Mgr Cash Minor
Deputy District Attorney Kristin McQueary
Deputy County Clerk Marilyn Tipton
Library Director Jeanette Hammons
Planning/Zoning/NRMAC Randy Brown
Sheriff James Pitts
Child Support Carolyn Smith
Library Director Jeanette Hammons
Treasurer Rebecca Erickson
ITT Director Harry Jackson

Chairman Dahl called the meeting to order at 1:32 p.m.

Commissioner Russell led the meeting participants in the Pledge of Allegiance.

[1:33:12 PM](#)

I. COMMENTS BY THE GENERAL PUBLIC:

No public comments were made.

[1:33:52 PM](#)

II. WESTERN COUNTIES ALLIANCE (WCA):

Discussion and consideration of public lands/natural resources issues with Ken Brown, WESTERN COUNTIES ALLIANCE, including discussion on WCA activities.

Ken Brown stated the Secure Rural Schools Program would end in 2011 with the final payment in January 2012 of \$746,028 going to Elko County. He stated the program was up for reauthorization at the level of \$328 million dollars for five years with a phasing schedule. Ken Brown stated some counties believe this was a problem because it was an offset to PILT. He explained the full funding for PILT was dollar for dollar. He noted not all counties selected Secured Rural Schools but the National Education Association supported the program.

Ken Brown stated the PILT program was needed and in 1990's the cap was removed with an inflationary adjustment factor added. He stated PILT full funding expires in 2012. He stated they were encouraging it on a permanent basis but seeking another five years. Commissioner Dahl stated PILT was an issue of fairness because PILT eliminated one of the Sagebrush Rebellion's arguments that the federal government did not pay their way and he supported PILT on a permanent basis. Commissioner Dahl noted if the public land was improved or if the land was in private ownership the value would be more. Ken Brown stated if the federal government was unwilling to pay the tax then the land should be returned to the state and local governments. He stated Elko County lost approximately one-half million dollars last year under the PILT formula. He believed the formula should be changed to arrive at an amount per acre to be fair and equitable to all counties. Ken Brown noted there was a county sealing amount on PILT which should be eliminated. He commented the cost of the services increases yearly so the sealing amount should be eliminated and the inflationary adjustment should be applied.

Ken Brown stated the federal government had been holding geothermal funding and in 2009 no money flowed from the geothermal. He inquired if the 2011 money was received. Cash Minor replied no. Commissioner Dahl stated the Churchill County CFO thanked Elko County for their past vote on geothermal tax abatement. Ken Brown stated WCA wanted geothermal funding on a permanent basis. He stated presently the federal government received 50%, 25% went to the State and 25% to the County. WCA supported one-third shares so more money would go to the counties. Ken Brown stated the federal government had tacked on administrative costs and the state administrative costs were applied which reduced the amount to counties. He stated funding should go directly to the county to eliminate the state administrative costs.

Ken Brown stated Department of Interior Secretarial Order 3310 was not budgeted for this legislative year but cautioned them Ken Salazar would seek a budget next year in 2012 for wild lands designation. He stated changing the name from wilderness to wild lands would give the Secretary of Interior more administrative authority. He stated in 1964 Congress put in the Wilderness Act so it was Congress that designates Wilderness or amends that Act.

Ken Brown stated WCA encouraged counties to complete their RS 2477 federal land road inventories and select an option. He stated the four options for RS 2477 designated was recordation, recordable disclaimer, quiet title, and title five. He stated the State of Utah was trying to get their roads recorded.

Ken Brown noted Elko County had 50% of the wild horse and burro problem. He and Commissioner Dahl attended the June 2010 conference in Denver. They observed the makeup of the nine member advisory board and questioned where the local government representation was because no County officials sit on that board. He submitted a copy of the nine member advisory board member's names. Ken Brown stated they would replace one of the livestock representatives with a person from public interest. He suggested a possible replacement by a county-elected official. WSA suggested the counties nominate a board member. Ken Brown stated the Charter was renewed every two years and would be up for renewal in 2012. He suggested they support amending the charter for an elected official to be one of the representatives.

Ken Brown noted there was an attempt by the administration to remove "navigatable waters" within the Clean Water Act to "waters of the United States". He stated in 1972 the Clean Water Act was put into law by Congress. Ken Brown noted the state and local governments take care of the water issues currently.

Ken Brown stated the Resolution amending the Equal Act to Justice was presented to the National Conference of Counties in Portland, Oregon. They expect strong support of that Resolution.

Ken Brown stated membership of WCA was \$7,500 for counties per year. He stated the \$7,500 amount was reduced to \$5,000. Commissioner Dahl inquired if that was in the budget. Robert Stokes replied in the affirmative.

[2:01:10 PM](#)

III. ELKO COUNTY PLANNING AND ZONING:

A. Public Hearing - Right of Way Vacation Request:

In accordance with Public Notice 25-2011 conduct a **Public Hearing** for a right of way vacation request submitted by Richard and Lynn Isaeff for the vacation of the alleyway located within Block "V" located in Gold Circle (Midas, Nevada).

Randy Brown stated this was heard by the Planning Commission last month and they approved the vacation with staff recommendations which stipulates that each lot receive an equal portion of the alleyway. He stated a Record of Survey was required within six months with legal descriptions prepared for the Planning Department. He stated applicant must comply with provisions of NRS 278.490 through NRS 278.4987 and the County reserves an easement for access and maintenance of any and all public utilities that exist within the abandoned right of way. He stated the parcels were assessable by two routes and the applicant owned the entire block.

Commissioner Williams inquired if the alley could be utilized for other uses. Randy Brown replied it was dead land between the lots.

MOTION: Commissioner Williams moved to approve the right of way vacation request submitted by Richard and Lynn Isaeff for the alleyway located within Block "V" in Gold Circle, Midas, Nevada as proposed by the Planning Commission. Commissioner Myers seconded the motion.

Commissioner Myers inquired if staff recommendations were included in his motion.

Commissioner Williams amended his motion to include staff recommendations. Commissioner Myers seconded the amendment to the motion.

Chairman Dahl called for public comment.

No public comment was submitted.

The motion passed unanimously.

[2:07:29 PM](#)

B. Conditional Use Permit Appeal:

Discussion and consideration of setting an Appeal Hearing date requested by Bob and Kelli Milligan, et al. appealing a Conditional Use Permit application for Scott and Sheri Baker for a 66 foot tall wind turbine tower on Sundance Drive.

Randy Brown stated the appellant's attorney could not be present on August 3rd or 4th and they requested an alternative hearing date.

Scott Baker stated in getting the conditional use permit he lost the incentive reservation from Nevada Energy in June but there was a pool of money remaining so time was of the essence. He requested they set the hearing as soon as possible. Kristin McQueary stated the next meeting was a travel meeting and it would normally be set at the first part of September. She anticipated this hearing to take several hours and suggested a special meeting.

Robert Stokes inquired about the notification process. Kristin McQueary stated 10 days notice and property owner notification. Randy Brown stated the notification process took approximately three weeks.

Commissioner Russell requested a printed copy of the Notice of Appeal.

MOTION: Commissioner Myers moved to schedule the appeal hearing for Bob and Kelli Milligan appealing a Conditional Use Permit Application for Scott and Sheri Baker for a wind turbine tower on Sundance Drive between 1st thru 9th of August. Commissioner Russell seconded the motion. The motion passed unanimously.

IV. ELKO COUNTY JUVENILE DETENTION:

Discussion and consideration of approval of an agreement with the U.S. Department of Education for reimbursement of meal costs through the National School Breakfast and Lunch Program.

Robert Stokes recommended they table this agenda item because they have another year before renewal was required. Chairman Dahl tabled the item.

[2:19:30 PM](#)

VII. ELKO COUNTY BUDGET / STATE BUDGET / LEGISLATIVE SESSION:

A. UNR Cooperative Extension Program / UNR Budget Reductions:

Discussion and consideration of issues related to the financial impacts of the State Budget cuts to the continued operation of the Cooperative Extension Program and other UNR budget reductions.

Jill Tingey, Cooperative Extension Educator, stated at the final Board of Regents meeting in June they received additional funding to 2013. She publicly thanked the Commission, John Carpenter and Assemblyman John Ellison for their support. She stated in 2013, they would see the 33% budget cut and in 2014 there would be the 72% budget cut. Jill Tingey stated if the legislature restores the funding to the 2012 budget then that 72% cut would not happen. She stated the 4-H position would become a full time position and the University would fund 50% of the salary of that position and all the fringe benefits. In 2014, if the 72% budget cut was instituted that position would be decreased to 53% with no State funding for salary only State funding for the fringe benefits. Jill Tingey stated the Natural Resources and Youth Development Specialists would continue to have their jobs for the next couple of years. She stated the Livestock Specialists position was still upon hold.

Commissioner Myers suggested she meet with the County's Budget Review Committee in 2013 for a future plan.

[2:20:23 PM](#)

John Carpenter stated the UNR wished to eliminate Cooperative Extension and utilize that funding. He had spoken to Assemblyman Pete Goicoechea and

Assemblyman John Ellison who could sponsor a bill draft. They felt the only way to solve this issue was to get the Cooperative Extension and Ag Experiment Station as separate entities away from UNR. He stated the University started in Elko and a land grant was given to the State. They were researching whether Elko received any of that funding. He commented upon the bridge funding.

Commissioner Dahl commented upon the testimony given from Clark County and noted Cooperative Extension was throughout the United States so it affects a lot of people in the urban areas as well as the rural areas.

[2:28:38 PM](#)

V. CONTRACT FOR NRS 432B LEGAL REPRESENTATION OF CHILDREN:

Discussion and consideration of approval of contract for NRS 432B legal representation of children.

Commissioner Myers disclosed Michele Rodriguez was representing three of his great nephews. Kristin McQueary had suggested Commissioner Myers disclose but he need not abstain from discussion or vote.

Cash Minor commented the contract cost had increased from \$50,000 to \$70,000 and now the request was for \$100,000. He questioned whether they should hire a county employee rather than contracting it out. He stated current employees' salary range was \$64,000 to \$74,000 and with benefits it would be \$93,000 to \$106,000. Commissioner Dahl commented that Michele Rodriguez had claimed that if she was paid for the hours that she puts in it would be over twice what she was getting. Cash Minor asked them to review the letter Michele had sent wherein she claimed to be working 140 to 180 hours per month. He noted the contract stated she was working 100 hours per month. He stated it would cost \$100.00 per hour if they utilized an appointed attorney. Cash Minor stated there was no documentation of the working hours. He suggested they look at assigning one full time employee to this position. Commissioner Guttery inquired if the \$100,000 was for two years. Cash Minor replied it was a two year contract but the rate would be \$100,000 per year. He stated the additional \$30,000 was not budgeted because the request did not come in during the budget process. Commissioner Dahl commented they were getting pro bono work according to her letter.

Commissioner Russell suggested they defer this to the next budget session. He stated the Court knew this was outside the budget process and noted they had also waited until outside the budget process for their juvenile request. Robert Stokes stated the Judge had not spoken to him about the juvenile issue but he had contacted him on this contract and the Judge apologized that because of his health issues this contract slipped by him. Robert

Stokes had informed him this should have gone through the budget process. The Judge had told him that this contract had not seen an increase in three years. Cash Minor stated the contract started at \$50,000 and was now at \$70,000. Commissioner Russell stated all county employees know the Commission deals with these budget issues through a budget process which starts in January and ends in May. He voiced opposition to any action because it was not submitted during the normal budget process. He expressed concern that they were expected to make sacrifices in the other departments to benefit one department because they neglected to take care of it in a responsible way.

Commissioner Williams inquired if the County could halt this. Cash Minor stated that by law the Judge could appoint an attorney at \$100.00 per hour.

Robert Stokes stated no one was representing this agenda item.

Commissioner Dahl voiced support of the contract rather than hiring a County employee for representation of the juveniles.

Commissioner Russell commented upon the impact to the budgets of the other departments and the loss of integrity to the budget process wherein they allocate funds to numerous services. He supported remaining within the budget guideline process. Commissioner Williams commented upon the Judge's health issues.

Cash Minor stated this contract was for an independent contractor and item five stated she was responsible for her own legal education. He noted in Section six if the Judge decides to send her to something the County would have to pay for her classes, travel and lodging. He suggested they eliminate line six and make her a contractor. Commissioner Dahl inquired if the County would pay for the continuing education if the position was a County employee. Cash Minor replied in the affirmative. Commissioner Williams commented normally contracts were not open-ended like that and there were no additional charges.

Commissioner Guttry inquired about the increase to \$70,000. Cash Minor stated the contract was written for one year and it had been extended so he did not know of a formal request for the increase. Commissioner Guttry noted that was a 30% increase which seems excessive. Commissioner Dahl noted that if Michele was paid the overtime that she claimed it would be \$17,000 per month. Cash Minor stated under this contract she received \$8,333. Commissioner Russell requested documentation to support her statements.

MOTION: Commissioner Williams moved to approve the contract for NRS 432B legal representation of children. Commissioner Guttry seconded the motion.

Chairman Dahl called for public comment.

No public comment was submitted.

Commissioners Williams, Guttry and Dahl voted aye. Commissioners Russell and Myers voted no. The motion passed by 3-2 majority vote.

[2:47:56 PM](#)

RECESS

Chairman Dahl called a recess at 2:49 p.m.

[2:57:20 PM](#)

RECONVENE:

Chairman Dahl reconvened the meeting at 2:57 p.m.

[2:57:39 PM](#)

VI. FY 2010-2011 TAX RATE APPROVAL:

Consideration of approval of **RESOLUTION 11-2011**, entitled, **A RESOLUTION TO LEVY TAX RATES FOR THE COUNTY OF ELKO, STATE OF NEVADA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, PURSUANT TO N.R.S. 361.460.**

Cash Minor stated this was an annual request and there should be a correction on the agenda as the 2011-2012 tax rate approval.

MOTION: Commissioner Williams moved to approve Resolution No. 11-2011, entitled: A RESOLUTION TO LEVY TAX RATES FOR THE COUNTY OF ELKO, STATE OF NEVADA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, PURSUANT TO N.R.S. 361.460. Commissioner Guttry seconded the motion.

Chairman Dahl called for public comment.

No public comment was submitted.

Rebecca Erickson, County Treasurer requested a signed copy of the Resolution.

The motion passed unanimously.

[2:59:24 PM](#)

VII. ELKO COUNTY BUDGET / STATE BUDGET / LEGISLATIVE SESSION:

B. Discussion and consideration of issues related to the Governor's State Budget, Legislative action, potential State actions on the Elko County Budget.

Cash Minor cautioned there would be State impacts of \$1.5 million dollars and next year a fiscal impact of \$1.8 million dollars. He stated those impacts would be split between the General Fund and the Indigent Fund. He stated the federal Medicaid Program was being amended which may trickle down to the County level. Cash Minor explained the Medicare 50/50 long term program wherein if an individual qualified for the program the County would pay 50% of the costs and the State Medicaid Program pays the 50% remaining costs.

[3:04:02 PM](#)

C. Discussion and consideration of issues related to the FY 2011/2012 Elko County Budget.

1. Review and approve request from Information Technology in regards to the Sheriff/Juvenile phone system. This item was requested in the 2011/2012 budget process and was not recommended due to the uncertainty of the effects of the legislative impacts to Elko County. The budget committee reviewed the proposal on 6/20/11 and would like to recommend approval of this project. The estimate is \$49,500. The funding would come from the Capital Projects Fund.

Cash Minor explained this was a request for voice over-internet protocol in the Juvenile Department and the Sheriff's Office phone system was with a company that was now defunct. He stated voice over-internet phone systems resulted in cost savings. Robert Stokes inquired if there was a 3 or 4 year payback period and received an affirmative response.

MOTION: Commissioner Guttry moved to approve \$49,500 from the Capital Projects fund to fund the Sheriff/Juvenile phone systems for Information Technology. Commissioner Williams seconded the motion.

Chairman Dahl called for public comment.

No public comment was submitted.

The motion passed unanimously.

[3:07:16 PM](#)

2. Review and approval of the Elko County Fund Balance Policy as it relates to GASB54. The purpose of this policy is to define the components of fund balance, describe how amounts are classified into each component, and to establish the order of use of fund balance in all governmental funds.

Cash Minor stated Government Accounting Board streamlined the financial statements into five categories: 1) non spendable category, 2) restricted amount, 3) committed, 4) assigned category, and 5) unassigned category. Commissioner Russell stated the unfunded liabilities were previously hidden from the public until GASB came about. Cash Minor stated GASB34 made information more available as in the private sector.

MOTION: Commissioner Guttry moved to accept the Elko County Fund Balance Policy. Commissioner Williams seconded the motion.

Chairman Dahl called for public comment.

No public comment was submitted.

The motion passed unanimously.

[3:12:13 PM](#)

3. Review and update of legislative impacts and how this will impact 2011/2012 Budget Document and what procedures will be taken to amend or augment the budget.

Cash Minor stated \$397,000 would go to the Indigent Fund. The balance of the \$1.5 million in the General Fund would result in changes to the Capital Projects to offset those increases. He stated they were anticipating unexpected revenue from the Ruby Pipeline project and the change in the Net Proceeds. Cash Minor stated they would review the list of possible actions such as the Public Defender fees, etc. He stated they would make the corrections to the overall budget through an augmentation process so they do not have to redo the entire budget document. He stated corrections would be through an advertised Resolution procedure for Commission approval. Commissioner Guttry inquired if they were reviewing the 16 items on the list from the Budget Review Committee and received an affirmative response from Cash Minor.

[3:15:05 PM](#)

VIII. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Kristin McQueary stated she may not be present Monday but will call in for the 9:00 a.m. railport meeting.

The Board discussed the budget review process and the impacts to the budget from additional budget requests received after final approval of the budget.

IX. COMMENTS BY THE GENERAL PUBLIC:

No public comments.

[3:29:21 PM](#)

X. ADJOURNMENT:

MOTION: Commissioner Williams moved to adjourn the meeting. Commissioner Russell seconded the motion. The motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 3:30 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk