The Board of Elko County Commissioners met in regular session on Wednesday, March 30, 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 Asst. Library Director Laura Oki Public Works Director Lynn Forsberg Planning & Zoning Dir. Randy Brown

Chairman Dahl called the meeting to order at 1:30 p.m. Robert Stokes led the meeting participants in the Pledge of Allegiance.

1:32:41 PM

I. COMMENTS BY THE GENERAL PUBLIC:

Gil Hernandez, of the VFW, reported that the VFW would be in Montello on April 30th, May 1st, May 14th and May 15th to clean the cemetery. He hoped to have the Montello citizens’ committee coordination. Commissioner Dahl recommended that he speak with Jill Newman of the Montello Town Advisory Committee. Gil Hernandez stated they would be placing flags on VFW graves in the Montello cemetery. He stated Wal-Mart Home and Garden was coordinating with them. They hoped to remove the sagebrush out of the cemetery and make
a fire perimeter on the outside. He stated the Blm fire crew may burn the sagebrush.

Gil Hernandez stated on April 21st at 11:00 a.m. they would hold a meeting at the VFW Hall regarding the Tele-Health Clinic and requested a Commission member attend that meeting.

John Carpenter thanked the Commission for their attendance at the Legislator’s honoree recognition.

1:39:47 PM

VII. JACKPOT TOWN BOARD:

Chairman Dahl called the Jackpot Town Board to order at 1:39 p.m.

JACKPOT WATER SYSTEM:

Discussion and consideration of authorization to solicit construction bids for the water improvement project entitled, Jackpot Water Phase 2, including a request for authorization to apply for a USDA Loan for approximately $1,200,000.

Lynn Forsberg requested authorization to go to bid contingent upon USDA review of the plans and approval.

MOTION: Commissioner Russell moved to give authorization to go to bid for the Jackpot Water Phase 2 improvement project including authorization to apply for a USDA Loan for $1,200,000 contingent upon USDA approval. Commissioner Myers seconded the motion. The motion passed unanimously.

JACKPOT TOWN BOARD ADJOURNMENT:

Chairman Dahl adjourned the Jackpot Town Board at 1:42 p.m.

1:42:32 PM

V. ELKO COUNTY LIBRARY BOARD OF TRUSTEES:

A. Just Desserts Day:

Consideration of Proclamation 2011-C, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS DECLARING MAY 7, 2011 AS “JUST DESSERTS” DAY.

Jeanette Hammons stated Laura Oki was the President of the Friends of the Library and she was organizing the event.

Commissioner Williams read the Proclamation into the record.

MOTION: Commissioner Myers moved to adopt PROCLAMATION No. 2011-C, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS DECLARING MAY 7, 2011 AS “JUST DESSERTS” DAY. Commissioner Russell seconded the motion. The motion passed unanimously.

1:45:14 PM
B. National Library Week:

Consideration of Proclamation 2011-D entitled, A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING THE WEEK OF APRIL 10-16, 2011 AS NATIONAL LIBRARY WEEK.

Commissioner Dahl read the Proclamation into the record

MOTION: Commissioner Myers moved to adopt PROCLAMATION No. 2011-D, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING THE WEEK OF APRIL 10-16, 2011 AS NATIONAL LIBRARY WEEK. Commissioners Williams and Guttry seconded the motion. The motion passed unanimously.

Laura Oki reported the Just Desserts would be held May 7th from 5:30 p.m. to 8:00 p.m. and reported the Friends of the Library had donated over $100,000 to the library during the last ten years.

Jeanette Hammons stated during the National Library Week it would be a fine-free week for overdue items during April 10th through April 18th.

The Commissioners presented the plaques to the Library staff, Library Board and the Friends of the Library members.

C. Report and review of Board of Trustees activities and minutes including issues related to the continuing operation of the County Library. The Law Library Minutes, Library Minutes, and information on the Parking Lot were previously submitted.

Jeanette Hammons stated their Law Library Clerk had given her notice, interviews had taken place, and the new Library Law Clerk would start this Monday. She reported they partnered with the Reno Immigration Department and held an Immigration Information Session today from 11:30 a.m. to 1:30 p.m. with 20 people attending. Jeanette Hammons stated the annual Spring Book Fair would be held from April 11th to April 23, 2011. She stated from April 25th to the 30th they were holding the following events: bedtime stories, movie night, Lego night and game day. Jeanette Hammons reported their janitor position had been interviewed for and a candidate was selected for the part-time position. She stated on May 7th the library would be closed in the afternoon for preparation of the Just Desserts event. Jeanette Hammons stated on April 13th is Library Legislative Day in Carson City and they would attend that event.

Commissioner Myers inquired about what the immigration classes were about. Jeanette Hammons stated four Reno personnel gave an informational workshop and provided information/literature on the naturalization and citizenship process, gave them the requirements for permanent resident status and gave them tips on how to avoid being a victim of immigration fraud.
II. NATIONAL COUNTY GOVERNMENT MONTH:
Discussion and consideration of approval of Proclamation 2011-B recognizing April 2011 as National County Government Month with its theme of “Serving our Veterans, Armed Forces and Their Families”.

Commissioner Myers read the Proclamation into the record.

MOTION: Commissioner Myers moved to adopt Proclamation No. 2011-B: recognizing April 2011 as National County Government Month with its theme of “Serving our Veterans, Armed Forces and Their Families”. Commissioner Williams seconded the motion. The motion passed unanimously.

III. ORMAT – TUSCARORA GEOTHERMAL ELECTRICAL GENERATION PROJECT:
Discussion and consideration of the proposed geothermal electrical generation project near Tuscarora, Nevada including information on tax abatements allowed by State law.

Commissioner Dahl disclosed that he was working on a geothermal lease that may involve ORMAT but it was not located within Elko County.

Paul Thomsen, Director of Policy and Business Development for Ormat, gave a historical overview of the company’s activities within Nevada and their acquisition of the project in 2010 through the Energy Investor’s Fund. He noted Assembly Bill 522 provided tax incentives for renewable projects to make this project economically viable. Paul Thomsen stated Phase 1 would be located 40 miles north of Elko, eleven miles north of Tuscarora on 3,300 acres of land acquired from Ellison Ranching. Paul Thomsen reported they leased 7,000 acres from the BLM for future expansion. He stated they have a twenty year power purchase agreement with NV Energy for the project.

Paul Thomsen stated the Nevada State Office of Energy could not grant the abatement without the County’s approval. He reviewed the NRS 701A.360 requirements for the Nevada Energy Commissioner to approve their application. Paul Thomsen stated the current property owner paid $30,000 in property tax and with partial abatements Ormat would pay $100,000 on an average annually for 20 years. He commented they would employ approximately 500 during the construction and drilling of the project. Paul Thomsen stated during the operation and maintenance phase they expected seven full time employees. He stated the 16 megawatt facility would provide 16 full time positions and would utilize $300,000 in local vendors annually which equated to a 6 million dollar impact over the twenty years. Paul Thomsen stated the sales and property tax from this project over its lifetime would be 2.5 million dollars and net proceeds of
mines tax paid on this would be $210,000. He noted modified business tax paid would be $72,000 and the average payroll for the employees at the facility would be $71,000. Paul Thomsen stated the net contribution to this community would be approximately 32 million dollars. Commissioner Dahl inquired how this plant compared to their Jersey Valley Plant. Paul Thomsen stated they would produce the same amount of power but they were utilizing more employees for construction at Tuscarora to have it completed by December 2011.

Commissioner Dahl inquired about the payment of their workers 1.5 times the average pay, and how that would compare to the abatement on the taxes. Paul Thomsen stated that was based upon the average Nevada wage during construction. Commissioner Dahl believed the State legislature was giving the company the incentive to come in at the expense of the County. Cathy Tsaniff, Tax Manager, stated for Jersey Valley they had to spend 3 million dollars more on additional wages to meet the abatement requirements. Paul Thomsen noted the subcontractors now have to have an insurance plan in place for their employees and their dependents so the bids would come back higher in order to meet the abatement requirements. Commissioner Williams inquired if they would have to divulge the contractors that they had hired in the State of Nevada that have employee medical insurance. Paul Thomsen noted that was a State requirement and the Energy Office would be doing audits; they could disclose that contractor/vendor list for the Jersey Valley facility. Commissioner Williams inquired if this was the first time to receive abatement within the State of Nevada. Paul Thomsen replied no, and stated the adjoining States also offered abatements. Commissioner Williams encouraged the Commission to support this organization and to give them every incentive that they give every other company that comes to Elko County, no abatements. Commissioner Williams stated by offering abatement to Ormat that would set precedence and cost the taxpayers of Elko County. Paul Thomsen stated they expected Elko to become their Eastern Nevada Geothermal Hub of Operation. Commissioner Williams commented the County was responsible for the roads, the schools and other local services and believed Ormat could do the project without abatements.

Paul Thomsen stated wind and solar projects get these abatements without asking for approval from the counties. He stated if they did not receive this abatement they would ask the ratepayers to pay a higher price for the energy. Paul Thomsen stated Ormat had constraints through the PUC on the price of power in Nevada.

Commissioner Guttry stated he was unable to verify with the Assessor’s Office that the current property owner paid $30,000 in property tax. Paul Thomsen stated their land manager looked only at the parcels under lease from Ellison Ranching. Cathy Tsaniff stated their equipment was deemed unsecured.
property. Commissioner Guttry stated that would be taxable at the personal property tax rate within the $100,000 so there would be depreciation applied. Cathy Tsaniff stated the $100,000 tax estimate was an average over the 20 years. Commissioner Guttry believed the County would be subsidizing Ormat in the amount of 2 million dollars in taxable savings over twenty years. Commissioner Guttry inquired what the total capital investment would be. Paul Thomsen replied approximately 72 million dollars. Commissioner Guttry inquired if that would be purchased and received in Nevada. Paul Thomsen replied not all would be purchased within the County of Elko. Paul Thomsen stated they had met the four State requirements to qualify for the sales tax abatement without coming before the County Commission. Commissioner Guttry voiced support of the project but questioned the need for abatements. Paul Thomsen stated the resources appear to be small and moderate within Elko County so it would not be economically viable for twenty years without the abatement.

Commissioner Myers inquired what their construction costs would be for the project. He believed the trade off was 2 million dollars for the County to see a net income of 31.4 million dollars and supported the project. Paul Thomsen volunteered to submit specific construction costs.

Commissioner Russell commented that if their 16 employees had two children attending the Elko School District, at a cost of $6,486 per student it would total $207,552 and under the current distribution the School District would only receive 50% of that $100,000 property tax. Cathy Tsaniff understood they were paying 2.6% sales tax that was not abated which would go toward the school system and 20 million dollars of tangible property would be subject to sales tax. Commissioner Russell agreed with Commissioner Guttry they were not operating on the same level as other businesses in the County. Paul Thomsen explained their competition in the energy playing field specifically with other renewable power sources and the development risks involved.

Commissioner Guttry understood the abatement was 55% of the property tax for 20 years which leaves 45% for the County but a percentage of that goes to the Department of Energy in Carson City to fund their operations. Therefore, the County only gets 25% of the property tax. Commissioner Guttry reviewed the tax breakdown for Jersey Valley where in the total capital investment was 88 million and 4.1 million went to Pershing County therefore the county received 25% of the property taxes through the abatement.

Commissioner Williams inquired where their power line was going to. Paul Thomsen stated they had not approved the power line. Commissioner Guttry stated the TG power line was established. Commissioner Williams noted the power line had been surveyed and the poles were staked out. Paul Thomsen stated there were three prior developers on the project so some infrastructure
may be in place.

Commissioner Russell inquired if they would seek abatements on each phase of the projects. Paul Thomsen stated they look at that on a case-by-case basis such as quality of production wells, availability of megawatt resources, etc. Commissioner Dahl noted Ormat picked up the BLM leases and planned on establishing a hub so he also questioned if the abatement request would come with every expansion. Commissioner Russell inquired if the statutes required them to request abatements on subsequent phases from Elko County. Paul Thomsen stated as the law stands there was no discussion on phases so they would seek approval from the County on each phase. Commissioner Dahl inquired about partial abatement. Paul Thomsen stated the County could not place conditions on their approval. Commissioner Guttry stated there was a bill submitted to amend the County negotiation abilities. Kristin McQueary stated this law was enacted in 2009 upon the counties. Commissioner Russell supported this project as long term diversity for the community and did not think the first phase would pay its way. He suggested the Commission look at this project as an investment into their future diversity.

Commissioner Dahl inquired when they have to have their final decision. Paul Thomsen replied they were ready now and felt Ormat would commit they would not develop phase two or three without coming before the Commission for approval. Kristin McQueary stated they had thirty days pursuant to statute to approve or deny their request. Commissioner Dahl inquired if John Carpenter heard of any amendment to make it a partial abatement. John Carpenter stated most of the proposed bills were to remove the abatement.

Commissioner Guttry requested clarification how much of the 2.4 million dollars was in sales tax. Cathy Tsaniff believed that amount was one-half of a million dollars over three years for the school district. She noted most of that was in labor costs and only 16 million dollars was tangible assets to be taxed.

**MOTION:** Commissioner Myers moved to approve the geothermal electrical generation project tax abatement as set up by the State of Nevada as approved by the County. Commissioner Russell seconded the motion. Commissioners Myers and Russell voted aye. Commissioners Guttry, Williams and Dahl voted nay. The motion failed.

### IV. ELKO COUNTY FAIR BOARD:

Discussion and consideration of the appointment of one individual to the Elko County Fair Board with a term ending December 31, 2012 as recommended by the Fair Board.
Robert Stokes reported the individuals submitting letter of interest were as follows: John Tueller, Aron Means, and Sue Kennedy. The Fair Board members recommended John Tueller be appointed.  

**MOTION:** Commissioner Guttry moved to appoint John Tueller to the Elko County Fair Board with term ending December 31, 2012. Commissioner Williams seconded the motion. The motion passed unanimously.

3:12:49 PM  
RECESS  
3:21:20 PM  
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3:21:24 PM  

**VI. BOARD OF COUNTY HIGHWAY COMMISSIONERS:**  
Highway Chairman Russell called the Highway Board to order at 3:21 p.m.  

3:22:02 PM  
A. **COMMENTS BY THE GENERAL PUBLIC:**  
No public comments were made.  

3:22:19 PM  
B. **ROAD AGREEMENT REQUEST:**  
Discussion and consideration of a request from Duck Valley Indian Reservation representatives for inclusion of 18.62 miles of County Roads including Lamont Drive, Spring Valley Parkway and Last Chance Ranch Unit 1 in their Indian Reservation Road Inventory (IRR). MOU Agreement submitted.  

Otis Tipton had spoken to the Spring Creek Association and the Nevada Department of Transportation regarding this request. He noted the SCA had submitted a letter of opposition. Otis Tipton stated NDOT informed him the tribe was in direct competition with NDOT on their federal road funding. He commented the Tribe’s funding never went on roads outside of the reservation and most of the reservation roads were not open to the general public. His recommendation was the same as NDOT’s that the reservation not claim any of their mileage. He noted the Spring Creek Association felt the same way. Otis Tipton recommended that when they send the response letter they should include verbiage of “no roads outside the reservation should be claimed; only the roads within the reservation should be claimed by the Tribe”.

Mary Winter, SCA President, stated the Tribe’s request was considered at the SCA Board March meeting and the SCA Board did not chose to commit their Association property owners to any future road agreements due to the considerable unknowns such as future financial commitments, road safety audits, federal road standards and maintenance. Mary Winter stated the Spring Creek Association Board voted not to support the road inclusion.
Commissioner Russell inquired if there was a representative from the Duck Valley Reservation, the BIA or any other associated organization present at the meeting to speak to this issue. No one came forward.

Harry Botsford, resident on Jarbidge Avenue, objected to the Reservation assuming control of those roads.

Highway Chairman Russell called for public comment. No other public comments were submitted.

**MOTION:** Commissioner Myers moved to deny the request from the Duck Valley Indian Reservation. Commissioner Guttry seconded the motion.

Otis Tipton noted there were other County roads that were not County maintained roads marked upon the Duck Valley map. He suggested the Tribe not claim anything outside their reservation and not claim that mileage.

The motion passed unanimously.

3:28:02 PM

C. COUNTY ROAD BUDGET / DUST SUPPRESSION:

Discussion and consideration of potential budget reduction and possible reduction in dust suppression services including setting a possible hearing on said reductions.

Commissioner Russell explained they had discussed achieving cost reductions in the Highway Department. He noted Otis provided them information on the roads and they would set a hearing for elimination of dust suppression on these roads. Otis Tipton stated the Highway Commissioners had developed the list of roads for possible reductions because they were further away and were less beneficial to the public.

Commissioner Myers asked about costs for mag and lig. Otis Tipton reported the cost for product only was $214,000 per year. Commissioner Myers suggested eliminating all the projects and the public come in to justify why specific areas should be done. Otis Tipton noted the dust suppression only works if they do not increase maintenance. Commissioner Williams commented there was insufficient funding to do all the service they provide now. Commissioner Russell gave an overview of the list and stated the two important factors looked at was air quality for residents and the contribution it made to maintenance and stabilizing the roads. Commissioner Russell suggested they hold a public hearing on these roads. Commissioner Dahl suggested their rationale be based upon whether they could keep the road together. Commissioner Russell stated they could expand their scope and list more roads. Commissioner Williams believed there would be other roads that they would take off the maintenance completely to reduce the budget. He suggested they use the Road Services Advisory Committee’s formula for designating maintenance.
Commissioner Myers inquired if this item was on the agenda because of the budget season or because other costs were going up. Otis Tipton stated they were looking at reducing their road budget because of the increasing costs. He noted the funding for replacing bridges was also disappearing. Otis Tipton stated in two years they would need four million dollars for the asphalt. Highway Chairman Russell had suggested they look at cost reduction throughout the Road Department because the gas tax revenue had not increased. Commissioner Myers noted they should look at how many times they grade a specific road in making their decisions. Commissioner Russell commented that petroleum products costs were inflated and the Ruby Pipeline project may have an impact upon County roads. Otis Tipton stated after the Forest Service decision they would review those roads and there may be some bigger cuts.

**MOTION:** Commissioner Dahl moved to set May 5th as the public meeting day. Commissioner Williams seconded the motion. The motion passed unanimously.

3:45:57 PM

D. GENERAL DISCUSSION OF ROUTINE ROAD MAINTENANCE ISSUES:

The Budget Report and Road Operational Highlights were previously submitted.

Otis Tipton had received the NDOT plans on the Tuscarora Bridge and there would be a meeting on the 18th of April. He believed the project may be completed this year.

Commissioner Myers inquired if there was updated information on Deer Creek Grade. Otis Tipton stated they would look at the road. Commissioner Williams noted the Forest Service had not committed to do it for the $40,000 that the Commission had set aside.

Otis Tipton stated the Last Chance road grading had held up with all the truck traffic.

Mary Winter, SCA President, reported there would be reconstruction on Spring Valley Court. They would award a bid for 5.6 miles of cold recycle on the parkways. She stated a bid was out for a snowplow. Commissioner Guttry inquired what their road budget was. Mary Winter replied approximately $880,000 for approximately 150 miles of road.

Commissioner Russell stated there were concerns of speed in the Spring Creek roundabout and the number of accidents. He stated NDOT reported two accidents with no fatalities and the school bus drivers felt comfortable driving through the roundabout.

3:50:06 PM

**HIGHWAY BOARD ADJOURNMENT:**

Highway Chairman Russell adjourned the Highway Board at 3:50 p.m.

3:50:19 PM
VIII. VITALITY UNLIMITED:

Discussion and consideration of a request for a waiver from Elko County to allow the Vitality Center to directly administer any grant funds awarded them through the Byrne Memorial Justice Grant Program (JAG).

The Byrne Memorial Justice Grant Program (JAG) is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology improvement, and crime victim and witness initiatives.

Ester Quilici had submitted a letter giving the Commission an overview of their request. She noted the Vitality Center had an accounting department that could do their own administration and perform a 183 audit.

Robert Stokes stated they met last week and discussed whether they would be in competition with any County applications. Ester Quilici stated they would be applying for treatment funding and did not believe it would be in conflict with the County. Robert Stokes explained the Sheriff’s Department and the Drug Court may be applying for grant funding in the future and may be competing against them because they were in the same locale. Robert Stokes requested clarification that Vitality Unlimited would not utilize the County through their application process so the County would not have to report for anyone. Ester Quilici stated they would utilize the name “Vitality Unlimited” when applying and did not believe they were competing with any other people in the County for this particular funding.

MOTION: Commissioner Guttry moved to provide a waiver from Elko County to allow the Vitality Center to directly administer their grant funds awarded them from the Byrne Memorial Justice Grant Program (JAG). Commissioner Williams seconded the motion.

Commissioner Russell suggested a legal review. Ester Quilici stated that Robert Stokes had all the information. Kristin McQueary inquired when her deadline was. Ester Quilici replied the application deadline was April 8, 2011. Commissioner Williams inquired if they want to amend the motion to include no competition. Kristin McQueary questioned if Vitality Unlimited applied in their own name and mistakes were made, was it assessed against the County. Cash Minor stated the waiver would take the County liability away.

The motion passed unanimously.

3:58:51 PM
IX. TRANSIT SERVICES IN ELKO AND SPRING CREEK:
Discussion and consideration of agreements related to the operation of transit services in Elko and Spring Creek.
Cash Minor stated they had drafted a shell agreement with NDOT for the $705,000 for the eight months wherein 80% of the service would be funded by a Federal Transportation Administration grant and 20% funded from the County.
1. Discussion and consideration of approval of an agreement for funding of transit services with the Nevada Department of Transportation.
MOTION: Commissioner Myers moved to approve an agreement for funding of transit services with the Nevada Department of Transportation. Commissioner Guttry seconded the motion. The motion passed unanimously.
2. Discussion and consideration of approval of a third party contractor agreement with Coach America CUSA Elko, LLC to provide transit services.
Cash Minor reviewed the Agreement with CUSA which was limited to $448,000 equating to $56 per hour for 10 hours per day for the 171 days of actual operation. Cash Minor stated CUSA would do the normal maintenance but if it was major mechanical such as a lost transmission then NDOT would help with those high dollar repairs at an 80/20 match.
MOTION: Commissioner Myers moved to approve a third party contractor agreement with Coach America CUSA Elko, LLC to provide transit services. Commissioner Williams seconded the motion. The motion passed unanimously.

X. ELKO COUNTY BUDGET / STATE BUDGET / LEGISLATIVE SESSION:
A. Great Basin College (GBC) Financial Review Committee:
Discussion, update and consideration of the John Carpenter Committee to review issues related to the financial impacts of proposed State Budget cuts to the continued operation of GBC programs.
John Carpenter stated their organizational meeting would be held tomorrow at 3:00 p.m.

B. UNR Cooperative Extension Program / UNR Proposed Budget Reductions:
Discussion and consideration of issues related to the financial impacts of proposed State Budget cuts to the continued operation of the Cooperative Extension Program and other UNR proposed budget reductions.
Jill Tingey, Extension Educator, clarified that Cooperative Extension was a line item in the State budget. She reported in the past two budgets the State allowed the University to move those monies in the eight categories around as
long as they met the overall budget cut. Jill Tingey stated the Governor suggested 7.5 million dollars remain in the Cooperative Extension’s budget but UNR wanted 2 million left in that budget. She stated the Legislature may make the decision to have the budget remain at 7.5 million dollars. She requested they let the legislators know that the UNR proposed cuts would devastate their programs. Jill Tingey stated on March 22nd a joint budget meeting was held at the Legislature and Senator Horsford commented that the University’s proposed cuts did not equal the Governor’s cuts. She stated the Universities and Colleges have to submit those proposed cuts by April 4, 2011. Jill Tingey noted the Cooperative Extension cut was to occur in 2012 and not within this current budget year.

Commissioner Russell inquired if someone who was employed by Elko County could establish a contact with the State and with the National organization to run a program not developed through Cooperative Education. Jill Tingey explained 4-H on the County level went through the Cooperative Extension and UNR had a 4-H State Office located on campus that wrote grants and oversaw the State events. Jill Tingey stated nationally the 4-H program was part of the United States Department of Agriculture. She explained there was a private partner called the National 4-H Council who were involved in getting private support for programming and for participation in national events. Jill Tingey stated if their office went away or if they only had one Extension Educator then there would be no State 4-H Office because of the cuts to administration. She stated if 4-H remained in the County they could work with the other counties to offer some events. Commissioner Russell inquired if they would be credited with the national organization. Jill Tingey stated if Cooperative Extension went away then the 4-H Program would not continue.

Commissioner Myers stated the University’s proposal was to cut Cooperative Extension by seventy-two percent and inquired if there would be enough of the remaining shell to qualify 4-H throughout the counties if the County chose to fund that. Jill Tingey stated they would not have the State support but they could partner with the University as well as the National partnership. Commissioner Williams inquired if there was a previous cut. Jill Tingey replied they received a 21.1% cut previously.

John Carpenter stated they had discussed the Cooperative Extension at the Governor’s Office and the subcommittee was looking at the college budgets. He commented in the NRS it stated Cooperative Extension funds would be provided by direct legislative appropriation from the General Fund. John Carpenter recommended they request the Legislature to approve the suggested Governor’s budget cuts.

4:16:20 PM
C. Discussion and consideration of issues related to the Governor’s State Budget, Legislative action, potential State actions on the Elko County Budget.

Robert Stokes noted more legislative information was being received and the legislature continues to work on the State budget but there was no definitive plan. He stated in Health and Human Services there has been a 1.6 million dollar impact with regard to Fire District services and there may be an impact to the County. Robert Stokes stated the presentencing report costs may be shifted to the counties which would have a $300,000 impact to Elko County.

4:18:10 PM

D. Discussion and consideration of proposed legislation along with potential impacts to Elko County.

Commissioner Dahl believed Robert Stokes covered this in item C.

4:18:27 PM

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

Cash Minor stated until they know what the impacts would be from the legislature any budgeting they do would be worthless. Cash Minor stated there was a decrease of 6 million dollars from ad valorem property taxes and 95 million decrease on Net Proceeds. Commissioner Myers stated they would check into those declines. Commissioner Russell suggested that every Commissioner have a conversation with Cash Minor to review the budget.

Cash Minor stated a special meeting was scheduled on April 11 for the tentative budget to meet the demands of the Department of Taxation. Commissioner Myers stated they would review the requests from all the departments. Robert Stokes suggested meeting at 2:00 p.m. on the 11th of April. Commissioner Russell noted the tentative budget would be balanced with what they anticipated from the Legislature.

4:23:39 PM

XI. 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.

Randy Brown stated they were working on strategies. He stated the final EIS was to come out in the middle of April. He suggested they request an extension of the EIS to allow for biological studies to be performed in the field. He recommended they hold a meeting with the Forest Service.

4:25:01 PM

XII. 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.

Randy Brown stated through legislative actions there were few changes and the State was setting a definitely number of how many years a State, municipality or a local governorship can hold water rights without showing beneficial use. He noted there were some changes concerning the SNWA project amount of water being allocated.

Commissioner Russell requested a budget item be placed upon the next agenda to contribute $250,000 regarding the filing of CNRWA protests to the SNWA applications. Cash Minor suggested this funding come from the Contingency Fund. Chairman Dahl requested an action item on the next agenda.

4:28:42 PM

XIII. 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, other public land issues.

Commissioner Dahl reported upon a hearing at the Natural Resource Committee of the Idaho Legislature and Jim Cleary of El Paso was present.

4:30:18 PM

XIV. ELKO COUNTY CODE:

Wind Resources Ordinance:

Discussion and consideration of the First Reading of Ordinance 2011-04, Bill D, entitled: AN ORDINANCE ADDING SECTION 15 TO TITLE 4, CHAPTER 8 OF THE ELKO COUNTY CODE ALLOWING FOR THE DEVELOPMENT OF WIND RESOURCES IN THE VARIOUS ELKO COUNTY ZONING DISTRICTS; REVIEWING WIND RESOURCE DEVELOPMENT THROUGH THE USE OF CONDITIONAL USE PERMITS, AND MITIGATING POTENTIAL ADVERSE IMPACTS.

Randy Brown stated John Kingwell had worked on this issue with the Planning Commission for six months, research was performed, and they held Planning Commission workshops. Randy Brown stated a “Conditional Use” was a use that was not necessary a permitted use within the code but the Planning Department could place conditions and allow it under zoning. He stated the conditions normally were not attached to the property because it was a revocable process but a Conditional Use permit could be conveyed to the next owner. He stated the District Attorney suggested this Conditional Use for a wind tower could be filed within the Recorder’s Office to show up on a Title Search. He stated a Special Use Permit was a Conditional Use Permit and had the same principles and policies.
John Kingwell stated the proposed code required a Conditional Use Permit to the new owner where a wind tower already existed. He stated the Conditional Use would provide a written record, an audio record and a Resolution attached to the property which could be filed with the Recorder.

John Kingwell stated they had received applications and there was no code to refer to but the Governor's Office had directed them to go forward. He stated they researched information from all over the USA, the United Kingdom and Germany but most of the information was regarding commercial wind turbines. John Kingwell explained the process to determine the particular height for a residential permit and stated they would look at each use and each property individually due to their location, aesthetic values, and what was on the land. Commissioner Myers inquired about the direction from the Governor's Office. John Kingwell stated the Governor sent a letter concerning adopting codes to allow for green energies. John Kingwell stated the Commission was allowed to address it under the health, safety and welfare issues.

Commissioner Russell recommended a personal letter of appreciation to each member of the Planning Commission and to the staff on this issue.

Commissioner Guttry inquired if Kim Morris had been in contact with them. John Kingwell stated they had met and the process was moving forward.

Commissioner Dahl inquired if there was public comment.

Paul Bottari, of the Elko County Association of Realtors, stated the Conditional Use Permit changes would alleviate some of their concerns. He introduced Jim Nadeau, Carrara Nevada Government Affairs Director from Reno, Nevada.

Jim Nadeau, Carrara Nevada, spoke to John Kingwell several days ago about the ability of a new owner applying for the Conditional Use on a tower that was already in existence. He noted by recording the Conditional Use it would pass the ownership on and they would still be required to perform the maintenance on the wind turbine.

Jim Nadeau stated there was still an issue with the requirement of one mile from existing residential districts whether owned or under other ownership. He requested the Board to reconsider the one mile perimeter. Jim Nadeau noted Washoe County allows an adjoining property owner to grant them a variance or give permission to put the wind machine on their property but precludes them from attaching the wind turbine to the property. He suggested the Ordinance needed tweaking to address those issues. Kristin McQueary clarified the 1 mile distance was for the commercial sized wind tower and not for the home users.

Paul Bottari noted Bert Gurr and he were working with wind energy companies to buy ranches to start wind farms because there was some opposition to the wind farms on the public lands. He noted when they put the
restriction of a one mile radius upon a commercial tower from occupancy they would have to tear down the houses on those ranches. Paul Bottari commented if the people want to continue living in the house that should be their prerogative. He stated if an adjoining neighbor signs a waiver then they should be able to put up the tower. Paul Bottari stated other realtors have expressed concern that if the parcel was under 1 acre and the tower was not over 40 feet high they would not need the neighbor’s permission. He commented if someone builds a house and then someone throws up 40 foot tower on an adjacent parcel; the neighbor should have input on the Conditional Use Permit.

Mary Royce, of EnergyCo, was present regarding the Morris, the Bakers, and the Beach’s applications. She informed them their NV Energy rebate would expire June 11th and they would lose $5,000 of that rebate if there was no installation completed by June 11, 2011. Mary Royce voiced concern with the time frame for the publication and the public hearings. Kristin McQueary explained if there were no changes then the process would be completed by the 1st of May. Mary Royce commented there were seven applications pending after the passage of the code. She felt notification of the 30 surrounding properties was excessive. Kristin McQueary stated that was the normal process to notify the thirty adjacent property owners.

Randy Brown suggested the possible solution was to file an application for the Conditional Use Permit with the Planning Commission and having them grant filing the application during the Ordinance procedure. Kristin McQueary suggested they put the applications on the Planning Commission’s meeting agenda of April 21, 2011 to be approved contingent upon final approval of the Code after the publication.

Randy Brown noted there were some concerns with the 1 mile limitation but the Conditional Use Permit would be issued upon a case by case basis. He stated the Planning Commission could look at the 1 mile restriction for the 600 foot tower with 300 feet blades and that there was a noise factor they would have to consider. Randy Brown did not suggest they make changes today but allow staff to gather more information and refine the code later.

Jim Nadeau understood that if they make changes on the First Reading of the Ordinance but they were not substantive and don’t change the nature of the Ordinance then they can be carried through. Kristin McQueary stated changes would delay the process and would go past the June deadline for the rebates.

Paul Bottari, Elko County Association of Realtors, commented their big issue was the Conditional Use Permit but distance was also important. Kristin McQueary noted this Board could not be pre-decisional in whether that would pass. Commissioner Williams stated if there was an impasse they could appeal to the County Commission. Kristin McQueary stated they could appeal the
decision to the County Commission and the County Commission decision could be appealed to the District Court. Paul Bottari inquired if they could ask for a variance at the same time as a Conditional Use Permit and received an affirmative reply.

Mary Royce requested clarification that if they agree on the Ordinance and the Second Reading was on April 20th, they could submit applications for hearing before the Planning Commission on April 21st with the first publication on April 25th and inquired if they could break ground in 30 days from the second publication. Kristin McQueary explained if the Commission approved the First Reading, the Second Reading would be scheduled for April 20th and there was a 10 day publication period. She stated if nobody appeals within that time then the Ordinance would be effective. Randy Brown stated that if everything went well on the applications theoretically they could break ground by April 31, 2011. He recommended they submit their applications by this Friday to be on the April 21st Planning Commission’s agenda.

Mary Royce reported they have had three Battle Mountain applications completed and commissioned by NV Energy.

MOTION: Commissioner Myers moved to adopt the First Reading of Ordinance 2011-04, Bill D, entitled: AN ORDINANCE ADDING SECTION 15 TO TITLE 4, CHAPTER 8 OF THE ELKO COUNTY CODE ALLOWING FOR THE DEVELOPMENT OF WIND RESOURCES IN THE VARIOUS ELKO COUNTY ZONING DISTRICTS; REVIEWING WIND RESOURCE DEVELOPMENT THROUGH THE USE OF CONDITIONAL USE PERMITS, AND MITIGATING POTENTIAL ADVERSE IMPACTS and set for second reading. Commissioner Russell moved to second the motion. The motion passed unanimously.

5:27:49 PM

XV. COMMISSION AND COMMITTEE REPORTS:
Reports from Commission members regarding various committee, liaison or agency issues.

Demar Dahl, District 1 Commissioner:
He believed everything under his committees of any significance had been previously discussed.

Charlie Myers, District 2 Commissioner:
Elko County Economic Diversification Authority (ECEDA) – He stated they were in their budget process.

Nevada Division of Wildlife Liaison – He stated the Nevada Department of Wildlife did file amicus curiae brief regarding their role in the Hage Case with the
implementation of elk on the mountain. He did not think NDOW took a position on whether that decision was right or wrong but they had put elk on the mountain and did not feel at that time it was a taking of water or fencing.

**Glen Guttry, District 3 Commissioner:**

Fire Science Academy Liaison – He stated the academy would request a letter of support.

Commissioner Guttry stated AB 14 was introduced by NACO on abatements. He stated the bill would authorize abatement for a period or an amount which was less than what was currently required by statute. He believed if the Bill was passed the County could make a decision upon the time period or upon the amount of the abatements.

**R. Jeff Williams, District 4 Commissioner:**

Commissioner Williams stated there was nothing of significance at this time and would report at the next meeting.

**Warren Russell, District 5 Commissioner:**

Regional Transportation Commission (RTC) – He stated there was a decrease which was termed an “anomaly” by NDOT of 20% in traffic volume during October – November and November to December it was a 25% decrease on I-80 east of Wells. He stated a suggestion was made that it may be due to the Ruby Pipeline impact to the traffic counts and they were not using road that much as in the past. He stated if the decrease was true then there would be an economic impact to the County.

5:31:36 PM

**XVI. COMMISSION MEETING CALENDAR:**

- April 4-7, 2011 – National Summit of Mining Communities, ECVA, Elko
- April 20, 2011 -- 1:30 p.m. – Elko – Nannini Admin Bldg, Suite 102
- May 4 & 5, 2011 -- 1:30 p.m. – Elko – Nannini Admin Bldg, Suite 102
- May 18, 2011 -- 1:30 p.m. – Elko – Nannini Admin Bldg, Suite 102

All Times Pacific Time

Robert Stokes noted the April 11th meeting was scheduled at 2:00 p.m.

**MOTION:** Commissioner Myers moved to approve the Commission Meeting Calendar. Commissioner Guttry seconded the motion. The motion passed unanimously.

5:32:12 PM

**XVII. CONSENT AGENDA:**

- A. Presentation and review of claims for approval
- B. Approval of minutes: February 16, 2011 & March 2, 2011

**MOTION:** Commissioner Myers moved to approve the Consent Agenda. Commissioner Russell seconded the motion. The motion passed unanimously.

5:32:44 PM
XVIII. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:

Commissioner Williams noted nobody showed up to the Forest Service Travel Management Plan meeting. Commissioner Dahl felt that all the decisions had been previously made.

Commissioner Russell inquired if there was program material for the conference next week. Robert Stokes would check on that material.

Kristin McQueary stated the Ruby Pipeline road agreement had been sent to Jack Prescott and he had forwarded that on to his supervisor.

XIV. ADJOURNMENT:

MOTION: Commissioner Myers 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 5:35 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:
MARILYN TIPTON, Deputy Clerk