



Board of Mineral County Commissioners

Hawthorne, Nevada
November 21, 2018

The Honorable Board of Mineral County Commissioners met this day in a regular session with the following people present:

Honorable Jerrie Tipton	Chairman
Honorable Chris Hegg	Vice-Chairman
Honorable Garth Price	Member
Honorable Christopher Nepper	Clerk-Treasurer
Honorable Sean Rowe	District Attorney

1. Pledge of Allegiance and Safety Message

Pledge of Allegiance was led by Commissioner Hegg

Safety Message was provided by Emergency Manager Patrick Hughes regarding tips to help prepare for winter also safety tips for Thanksgiving.

2. Public Comment -

Commissioner Price stated the directors meeting went well; they had a lot of discussions.

Hawthorne Utilities Director Larry Grant gave an update on the Mina Well; they received approval to proceed from USDA and they will be moving on the repairs by the middle of December.

3. Approval of Agenda/Necessary Changes

Remove the Business License for Garrett Painting
Remove Time Specific 9:30 agenda item.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the changes to agenda as presented.

Public Comment: None

4. Accounts Payable Vouchers, Credit Card Approval Form Requests, Capital Outlay Purchase Orders and Auditor's Cash Report by Fund presented for review, discussion and possible action.

A Credit Card Approval Form was presented from the Fire Chief.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the Credit Card purchase for Fire Chief Lawrence of \$311 for uniforms.

Public Comment: None

Christine Hoferer, Recorder-Auditor advised the cash balance in the General Fund was \$278,000; \$62,750 was coming out of that and payroll had already been posted. Hawthorne Town's cash balance was \$50,501 with \$46,000 coming out; they had a voucher of \$27,420 and a voucher for \$26,000 for the Sheriff's Office and Fire Department for an annual fee on radios. Ms. Hoferer asked the Board to approve the purchase and a temporary transfer to Hawthorne Town if necessary; they would check with Fire Chief Lawrence first; she advised the two new funds had been set up and are on the cash report for the 11th Judicial District Court and the Law Library also they would be doing monthly vouchers for the 11th Judicial District Court.

5. Treasurer's Accounting Fund Summary Balance Report and Financial Horizon Credit Union Accounts Report – presented for review, discussion and possible action.

Treasurer's Accounting Fund Summary Balance Report and Financial Horizon Credit Union Accounts Report presented for review.

6. Reports and Correspondence

Letter from Lieutenant Colonel Dustin Bishop, U.S. Army regarding the historic boundary stone located at the Mineral County Museum.

Commissioner Tipton advised the Fallon Range Training Complex Modernization Draft Environmental Impact Statement was here, there would be public meetings coming up.

7. Minutes of – November 7, 2018 and November 15, 2018 for review and possible action.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the minutes of November 7, and November 15, 2018.

Public Comment: None

- 8. **Kenneth Collum** – For consideration and possible action relative to the BLM program updates.

Mr. Collum advised starting with Chapter 2 on the Military expansion draft; he gave an update on grazing, renewable energy, realty, mining and recreation; BLM put together a map of authorized exploration notices; the recreation map was being completed.

- 9. **Business License Applications** – The following applications will be presented for discussion and possible action.

- A. **Paul Kati**; PK Backflow Services; Countywide; New Applicant

Commissioner Price abstained from voting due to being a coworker.

A MOTION WAS MADE BY Commissioner Hegg, seconded by Commissioner Tipton and unanimously carried by the Board to approve the business license contingent upon the Fire Chief’s signature.

Public Comment: Mr. Grant advised that Mr. Kati couldn’t test any devices until he registered at Hawthorne Utilities; he has to show his current Backflow License and current equipment verification with serial numbers and his annual inspection on that equipment; he has to have a Mineral County business license and a State business license.

Commissioner Hegg asked if this was a requirement of the state.

Mr. Grant advised it was for the EPA.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the business license contingent upon the Fire Chief’s signature. A vote of the Board disclosed the following:

Ayes:	Commissioner Hegg Commissioner Tipton
Nays:	None
Abstain:	Commissioner Price
Absent:	None

Motion carried and so ordered

- B. **Steve Pierson**; Steve Pierson; Countywide; New Applicant

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the business license for Steve Pierson contingent upon the Fire Chief’s signature.

Public Comment: None

- C. **Michael Garrett**; Garrett Painting; Countywide; New Applicant – Item was removed

- 10. **Eric Hamrey, Public Works Director** – For consideration and possible action relative to the invoice from Nevada Division of State Lands for payment of application processing fee for State Beach boat ramp.

Mr. Hamrey advised he received an invoice from State Lands for \$200; he doesn’t know if it was for one year or ten years; he thinks by NRS they are required to pay.

Commissioner Tipton advised him to talk to them and bring it back to the Board.

- 11. **Chris Lawrence, Fire Chief** – For consideration and possible action relative to the repair or replacement of Mina Fire Apparatus.

Continued for two weeks

- 12. **Patrick Hughes, Emergency Manager** – For consideration and possible action relative to a flood update.

Mr. Hughes advised that everything the state asked for was sent and he was just waiting; he sent information to NDOT in hopes they would be able to fix the highway problems.

Mr. Hamrey advised his people were in Mina working on the easements; they had some crack sealing work coming up and then they would get back to cleaning up Cory Canyon.

Commissioner Tipton advised Mr. Hughes to contact Lee Bonner the NDOT liaison.

13. **Cherrie George, Senior Services Director** – For consideration and possible action relative to the purchase and installation of network security firewall equipment at the Hawthorne Senior Center; replacing equipment that is no longer sufficient to handle current internet needs.

Ms. George stated that Bret Towe advised her to purchase an upgrade the cost was \$1,000; she was going to pay for it out of their gift fund money.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the purchase of a Sonic Wall Wireless Basic secure upgrade.

Public Comment: None

14. **Mike James, Public Guardian** – For consideration and possible action relative to appointing a Public Guardian effective January 7, 2019.

Mr. James stated he put this on to see how the Board would like to proceed with the transition of his leaving this position; he recommended appointing his deputy Dawn LeClaire because she was fully trained for the position and then have her hire to fill the deputy position.

Christine Hoferer, Recorder-Auditor advised this position was appointed by the Board so it would need to be advertised; A Public Guardian job description was needed and the salary range needed to be set; she asked Mr. James to get her a job description and they would have it published.

The Board set the salary at \$39,000 to \$43,000, they suggested advertising the job on December 6, and closing on December 13th, 2018; then review the applications at the meeting on December 19, 2018. They advised Mr. James to place back on the agenda for December 5, 2018.

15. **Honorable Sean Rowe, District Attorney** – For consideration and possible action relative to the purchase of Case Management Software for the District Attorney's Office.

Mr. Rowe advised he had provided information on new software that was needed in his office because of the work load; it would help with the implementation of Marsy's Law; it would interface with the Spillman system in the Sheriff's Office and it would work with the court filings. The upfront cost was \$36,000 the yearly cost was \$4,000.

Ms. Hoferer asked if this could be an improvement for the Justice Court and if they would chip in on the purchase.

Senior Services Director Cherrie George asked if the Justice Court was looking at upgrading.

The Board advised continuing after Mr. Rowe talked to Judge Gunter on sharing the cost.

16. **Honorable Chris Hegg, Commissioner** – For consideration and possible action relative to removing EEO and Disability statement from hiring forms and website, requesting complete county hiring process audit by third party for State and legal compliance for county.

Mr. Hegg advised he would like to have Pool Pact to do an audit of the county's hiring and termination process to determine whether the county was in compliance and then provide training where it's needed; he thinks there has been hiring done without having the job posted.

Ms Hoferer asked about removing the EEO statement from the hiring forms; she advised that the county uses Pool Pact recommended forms; every county office takes care of their own hiring but they contact her office for posting requirements; there was some flaws and one of them was the Justice Court; they had some changes with their employees not being considered county employees but court employees, in her opinion everything should be the same throughout the county. She believed the training that had been provided was well attended. The EEO statement could not be removed from the forms because it was required.

Commissioner Tipton asked if all department heads participated in the trainings.

Commissioner Hegg thinks the audit should go back a couple of years into the records.

Ms. George asked how many EEO complaints there were in the last two years.

Commissioner Tipton asked if he wanted an audit of the hiring and termination process and what deficiencies there were.

Cindy Nixon stated this sounded like a duplication of effort.

Mr. Rowe asked what the cost would be for Pool Pact to do the audit.

The Board advised coming back in two weeks with information on the cost and how the audit would be done.

17. For consideration and possible action relative to the creation of an office of County Comptroller pursuant to NRS 251.170, including proposed duties, job description, and funding.

Commissioner Hegg advised that with the complexities of the budget it was time to get a comptroller who had some expertise in prioritizing the counties needs and use county money more effectively; also someone who could give the Board advice before the budgets start; he thinks the Assessor needs another position to do the work.

Commissioner Tipton advised the county doesn't have the money to pay for a Comptroller.

Ms. Hoferer stated that every two weeks she gives the Commissioners the financial information by fund, these duties are required by law; she didn't understand what he was not getting.

Item postponed until after the 10:00 AM public hearing.

Ms. Hoferer asked if Commissioner Hegg wanted to break her office up and have a Recorders Office and then a Comptroller, she asked him to explain his agenda item.

Commissioner Hegg advised that yes it would break the office up; he wanted more oversight of the budget throughout the year; he can't ask an elected official to search for information, they don't have to answer to him.

Ms. Hoferer advised her statutory duties were to give the status of the funds to anyone who asked; Commissioner Hegg would know this if he had stepped into her office in the last two years and asked.

Commissioner Hegg advised that he didn't think it was enough information, what was provided was just budgetary numbers it's not forward thinking from someone who knows what questions to ask so the Commissioners can budget more effectively. He thinks there is extra money in the budget and they need information on the fleet status, what boots were on the ground, if office managers were performing their duties and not spending money on certifications they don't need, what equipment needed to be purchased.

Mr. Hamrey advised that each manager should be able to give the commissioners information of their vehicle expenditures and fleet management.

Ms. Hoferer asked if payroll and payables would be moved to the Comptroller's office; there was statutory procedures for restructuring her office; the incumbent was still going to make the salary set by statute with fewer duties and then the county would have to pay for another office; having a Recorder – Auditors office was the most efficient way to serve the taxpayers.

Ms. George stated this was the wrong time to talk about this; she thinks this should have come up at budget time; she does not think Commissioner Hegg understands his statutory responsibilities.

Ms. Nixon asked Commissioner Hegg not interrupt her because this affected what she was elected to do; she understands why NRS 251.170 permits the Board to appoint a comptroller but there was other chapters that needed to be looked at; she read NRS 244.1507 regarding the combining of an office of an Elected Official; also NRS 295.230 regarding a ballot question on a proposal to combine or separate the applicable office; she asked Commissioner Hegg if this was personal because two weeks ago he attempted to dismantle the Planning Commission and then singled out her husband who is chairman with accusations that he obtained on Facebook; she stated that she spoke with the Attorney General's office regarding her interpretation of the NRS's sited she especially 244.1507. The question should be put to the voters; it does not benefit the taxpayers.

Ms. Hoferer thinks the Commissioners need to work harder with the local government structure that's in place; it was for the voters to decide; she advised the county was in the middle of purchasing a new computer system and it had not been paid for yet.

Commissioner Tipton stated that a county manager had been needed for years, she understands the need of a point of contact to get information rather than going to the department heads. She tasked Mr. Hamrey to go to the departments to help them get their fleet information; there was a need for long term vision for the county.

Ms. Nixon asked about the department head meetings; she thinks this could be a good forum to get some of this information.

District Attorney Sean Rowe respectfully disagreed with Ms. Nixon; the Commissioner has the authority to create a comptroller position according to NRS 251; in counties with less than 100,000. It does not require the process

that is, set forth in NRS 244 because you're not actually combining statutory constitutional offices.

Ms. Hoferer stated that she thought this was a lack of communication in the county.

Ms. Nixon asked Mr. Rowe his interpretation of NRS 244.

Mr. Rowe advised that it was the consolidation of the constitutional offices.

Mark Nixon stated that it was still separating the duties of the office. To him they were describing a County Manager position.

Commissioner Tipton would like to see if the computer system would give some of the information he needs.

Commissioner Price advised he would probably lean more towards a County Manager position.

No action taken.

18. For consideration and possible action relative to creating an Ordinance to allow the sale of fireworks countywide; sales, restrictions, usage and related information.

Mr. Rowe advised that he would welcome more input from the Board and the public regarding the personal use of fireworks.

Commissioner Hegg advised sales could be countywide; this would give Schurz a bigger marketing area.

Mark Nixon asked if this would allow the use of fireworks in the town.

The ordinance would cover the sale and use.

Mr. Hamrey read the ordinance that was dated in 1951. How does this affect the people that come in and show their fireworks?

Commissioner Tipton advised these people were not selling fireworks.

Ms. George asked if this was going to rescind the old ordinance; Are you considering the use of fireworks;

Mr. Rowe advised the ordinance would cover the sale and use.

A couple from Schurz advised they were here to see what this ordinance was about; he owns a seasonal business in Schurz.

The Board asked the couple to talk to other firework sellers to see if there was any interest.

19. **Honorable Board of County Commissioner** – For consideration and possible action relative to receiving information from the Planning Commission meetings.

Mark Nixon advised the Board that Mike McNeil came to the Planning Commission regarding putting a gateway monument coming into the county and a reader board at the Convention Center. The gateway monument would tie into what the Lions Club was doing at the corner by McDonalds; he advised the Public Lands document was excellent the Planning Commission was going to wait until it was finished before they look into it. Mr. Nixon would like the updates to be later in the day or a time specific.

Emergency Manager Patrick Hughes advised Mr. McNeil was at the LEPC meeting; they would support the reader board if it was at the convention; they might be able to pay for the sign but they would have to have access to it.

Mr. Nixon would like to clarify what was discussed at the last meeting; he does not make decisions he provides the information he was asked for.

20. **Closed Session** – Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations.
21. **Open Session** – Discussion and possible action relative to all labor/bargaining unit contracts, grievances and negotiations.

TIME SPECIFIC ITEMS:

- 9:30 AM **Honorable Christine Hoferer, Recorder Auditor** – For consideration and possible action relative to the presentation of the annual financial audit of Mineral County for the FY ending June 30, 2018

presented by Arrighi, Blake & Associates.

Agenda Item was removed.

10:30 AM Public Hearing – For consideration and possible action relative to adoption of Ordinance 250A Bill 266 an ordinance amending Mineral County code to regulate marijuana establishment within Mineral County.

Mr. Bergeron advised that on page 1 of the ordinance it stated that marijuana use and cultivation remained illegal under federal law and remained a controlled substance; if it's against federal law where do they get the authority to break the law; federal law has supremacy over state law. He advised he had filed a formal complaint with the Attorney General challenging the validity of the license; there was deception by the Board when they approved the license. He stated they were breaking the law for money and they were making the citizens an accomplice to violate federal law.

Commissioner Tipton stated it was legal in the state, she knew of three other counties that had been sued for not allowing a grow site and distribution site.

Cherrie George stated she had concerns regarding the approval of an ordinance that okayed a grow and sell site because of the tax revenue, they were sending mix messages to their employees and the youth of the community; it's okay for the county but don't use it because it's illegal and you can't work at the county. She asked what happened with the medical marijuana ordinance.

The Board advised the ordinance was rescinded.

Cindy Nixon asked why the Board changed their decision, was it for the revenue?

The Board advised the state had passed recreational use and they knew that someone would go to the state and get a license to grow in Mineral County and they didn't want there to be two ordinances, one for medical and one recreational use.

Patrick Hughes asked if there was information on how the money was going to be distributed.

1:30 PM Honorable Board of County Commissioners – For consideration and possible action relative to conducting annual Performance Evaluation of Mineral County Computer Technician Bret Towe, including, but not limited to possible promotion, endorsement engagement, retention, termination, suspension, demotion, and reduction in pay, reprimand or “no action.” (Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

Mr. Towe suggested that the Board should have had the departments do an evaluation on him.

Ms. George stated that having an IT person on Board had been a tremendous help.

The Board evaluated Mr. Towe on safety, quality and quantity of work, teamwork, initiative and versatility, time management, technical knowledge, and decision making. His overall evaluation was a 4.

Commissioner Price would like to see an inventory started and checking into the amount of phones in the county.

Commissioner Hegg asked him to keep up on an inventory report.

Mr. Towe asked the Board for an office and pay raise.

The Board advised talking to Mike James about space in the Tri- county building.

Ms. Hoferer advised that the offer of employment letter indicated a department head, unclassified and salaried employee, the board made this position an hourly unclassified; the offer of employment needed to be corrected. She advised bringing the raise up at budget time but as an hourly unclassified he would only get the anniversary increase; he was on a Flex 40 schedule. She asked if he was doing his own time cards and if they were going to leave Mr. Nepper as his supervisor?

The Board advised they would hear of any problems.

Immediately Following Bret Towe, Computer Technician – For consideration and possible action relative to authorization to purchase the hardware needed to run the Albert Sensor software package that is part of the state's work on improving voter security.

Mr. Towe advised this was being pushed by the state for improving the security of the voting system network; the cost was about \$9,000; it would be reimbursed by the state and they would pay for the first year of service; he had not been informed of the yearly fee.

Ms. Hoferer asked if the state said we needed this.

Clerk-Treasurer Chris Nepper advised that reimbursement was usually on a two week schedule.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to allow Mr. Towe to move forward with the Albert Sensor software as required by the state for \$9,000 to be paid out of the election budget and then to be reimbursed to that fund.

Public Comment: None

Mr. Towe was advised to do a Capital Outlay for the purchase.

Immediately Following **Honorable Board of County Commissioners** – For consideration and possible action relative to nuisance complaint for Parcel #001-243-02.

Building Inspector Mike Fontaine advised that he wrote a letter to the owner because the weeds needed to be cleaned up, the fence and gate needed to be fixed and the garage needed to be secured.

A MOTION WAS MADE BY Commissioner Hegg, seconded by Commissioner Price and unanimously carried by the Board to allow Mr. Fontaine to send the letter to the current owners.

Public Comment: None

Ms. Hoferer asked to revisit item 14, regarding the Public Guardian position, she provided a list of other position salaries; she believes the salary was set to high.

The Board advised setting the salary at \$32,000 to \$40,000 depending on experience.

Ms. George thinks they should also look at the amount of employees they supervise.

5:30 PM **Public Hearing** – For consideration and possible action relative to adoption of Ordinance 250A Bill 266 an ordinance amending Mineral County code to regulate marijuana establishment within Mineral County.

There was no one in attendance.

A MOTION WAS MADE BY Commissioner Price and seconded by Commissioner Hegg to accept ordinance 250A Bill 266. A vote of the Board disclosed the following:

Ayes:	Commissioner Hegg Commissioner Price
Nays:	None
Abstain:	None
Absent:	Commissioner Tipton

Motion carried and so ordered

Public Comment: None

Board of Highway Commissioners None

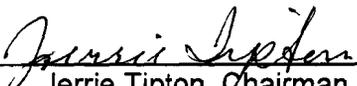
Public Comment - None

Commissioner Recognition – Commissioner Price felt the Directors meeting went well

There being no further business to come before this Board, the meeting of the Board adjourned until Wednesday, December 5, 2018 at 9:00 AM.

A verbatim recording of this meeting has been prepared and by reference becomes a part thereof.

Approved: Board of County Commissioners

By: 
 Jerrie Tipton, Chairman

Date: 12-5-18

Attest:



Christopher Nepper, Clerk of the Board

NOTE: Persons attending the meeting who are disabled and require special accommodations or assistance are requested to notify the County Clerk's Office, PO Box 1450, Hawthorne, NV 89415 or by calling 945-2446 no later than three (3) days prior to the meeting.

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- 1) mail: U.S. Department of Agriculture
 Office of the Assistant Secretary for Civil Rights
 1400 Independence Avenue, SW
 Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.