



Board of Mineral County Commissioners

Hawthorne, Nevada

November 7, 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

No Safety Message

2. Public Comment

Commissioner Tipton presented a plaque to Betty Easley in recognition for her support on the Airport Board and Planning Commission.

Richard Bryant commended the county on road repairs over Lucky Boy Pass.

Hawthorne Utilities Director Larry Grant advised that Farr West was still evaluating the Mina well; it looked like there were two options, either re-sleeve or re-drill the well; he was pressing for the re-sleeving.

Thomas Bergeron stated it was dishonest that the agenda and minutes for September 5, 2018 did not mention that there was a business license for Marijuana; the Commissioners had no right to violate federal law and should rescind the business license; he feels the Commissioners discredited themselves and should resign. He also asked District Attorney Sean Rowe if he had offered the Commissioners legal counsel about doing something illegal or just looked the other way.

Mr. Rowe advised that he does not discuss in public meeting his legal counsel with the Board.

3. Approval of Agenda/Necessary Changes

No RTC today

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the change to the 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.

Capital Outlay Purchases were presented from Bret Towe; Fire Chief Chris Lawrence and Sheriff Randy Adams.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the Capital Outlay Purchase from Bret Towe of \$22,807.63 to Dell Marketing for servers.

Public Comment: None

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the Capital Outlay Purchase from Fire Chief Chris Lawrence of \$33,742 to L. N. Curtis for hoses.

Public Comment: None

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve the Capital Outlay Purchase from Sheriff Randy Adams of \$53,000 to CC Communications for Camera system in the jail, part of this is reimbursable.

Recorder Auditor Christine Hoferer advised they had discontinued the fund for Grant Match because at the end of the audit it was \$38,000 short.

Public Comment: None

Recorder-Auditor Christine Hoferer advised they were doing a budgeted transfer to Care & Share of \$25,000.

Senior Services Director Cherrie George advised their average expense since July was \$32,000 and their income was \$33,000.

Sheriff Randy Adams advised that the money for grant was already in.

Ms. Hoferer advised the cash balance was \$444,000, payables were \$150,000 and payroll had not been posted yet.

Ms. Hoferer asked to revisit Accounts Payable for approval of Credit Card purchases from Bret Towe.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve 47.86 to Choice Wireless for the internet for voting in Schurz.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to approve 53.42 to Google for a devise to improve the domain security.

5. Reports and Correspondence

Letter from BLM Stillwater Field Office regarding an invitation for Pilot Table Grazing Allotment tour.

6. Minutes of October 17, 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 October 17, 2018.

Public Comment: None

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

A. George L Hagan III; PICS – Process Interface Control Solutions; 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 Process Interface Control Solutions.

Public Comment: None

8. William Ferguson, Undersheriff – For consideration and possible action relative to exploring ways to improve internet speeds to courthouse.

Sheriff Randy Adams asked if the county was working on the improving internet speeds; they had more things they wanted to do the Sheriff's Office.

Computer Technician Bret Towe advised he was were working on getting Charter Spectrum for the Courthouse; the price could come down if the county does some of the trenching, he was waiting for an updated quote from Charter Spectrum; the other option was CC Communications, but they were waiting for the MOU from the District Attorney. Discussion ensued.

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

Fire Chief Chris Lawrence advised they lost the Engine at Mina; the cost of new engine was \$13,000; he was looking into different options; Engine 1 was at Mina now.

The Board advised coming back in two weeks with more information.

10. For consideration and possible action relative to revisiting the unresolved Nuisance Complaint at 112 English St. Parcel # 001-202-07.

Mr. Lawrence advised he had been contacted by a neighbor regarding the property being a fire hazard.

Mr. Fontaine stated he had told the property owner to contact him when they were done and that they would need to address some issues with the structure because it was inhabitable, they did not contact him.

The Board advised sending the property owner a letter and to give them seven calendar days to clean up the property, or the County will clean up the property and attach the cost to their taxes; also the letter needs to address their plan for the structure.

Ms. George stated they should have to take action not to just give a plan to clean it up.

A MOTION WAS MADE BY Commissioner Hegg, seconded by Commissioner Price and unanimously carried by the Board to send a letter to the property owner advising them to Contact the Building Official on how they are going to remediate the issues on the parcel.

Public Comment: None

11. **Honorable Christine Hoferer** – For consideration and possible action relative to requesting use of off-site storage room at the Armory for records retention of Recorder-Auditor files.

Ms. Hoferer advised that Judge Shirley wanted an office, trustees and employees from the Court put their records into the utility room, it's full of dirt and mice; the space at the Armory would need bars and a fire proof door because of personnel issues.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to allow the Recorder-Auditor's office to move forward with moving their records to the Armory and for the changes to be done to make it secure.

Public Comment: None

12. **Kelly Zuniga, Museum Conservator** – For consideration and possible action relative to the disposal or selling of duplicate magazines.

Ms. Zuniga advised there was a multitude of duplicate magazines; she would like to sell them online and the proceeds to go back into Museum revenue.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to allow Museum Conservator Kelly Zuniga to move forward with her plan for disposal of duplicate magazines.

Public Comment: None

13. **Honorable Chris Nepper, Clerk-Treasurer** – For consideration and possible action relative to approval of the Trust Property Auction expenses, to be held in the Spring of 2019.

Item 13 was continued until the meeting on December 5, 2018.

14. **Honorable Chris Hegg, Commissioner** – For consideration and possible action relative to eliminating the existing Mineral County Planning Commission and integrate duties into the Board of County Commissioners, changing the Ordinance to remove "Regional Commission."

Commissioner Hegg advised his goal was to stream line the process since they have the final decision anyway. He would like to be more involved in the process so he could make a more informed decision.

Commissioner Tipton stated she wanted Commissioner Hegg and Commissioner Price to work with the Planning Commission.

Mark Nixon advised that he did not agree with Commissioner Hegg's interpretation of the Planning Commission, in effect the Board of Commissioners was acting as a Planning Commission because everything comes before them.

Richard Bryant stated that he does not think the board has full understanding of the Planning Boards roll; stream lining the County Government has cut down participation; he thinks they need to know more about County government before they streamline necessary groups.

Shelly Hartmann stated that the Commissioners were the public's last avenue for appeal.

Cherrie George, Senior Services Director advised the Board could have an agenda item about the Planning Commission activities you just can't take action unless it is properly agendized; they should not take action on anything they are not properly informed about.

Sherri Samson stated that she liked that there was a separate entity that reviews and sifts through the information; as a concerned taxpayer she has seen items drop off the agenda and not brought forward or resolved. She feels that no action should be taken without more of a city and county voice from the taxpayers.

Christine Hoferer thinks the Board has been working well with the Planning Commission and does not think they could duplicate some of the expertise that is on the Planning Commission; she asked if there was some particular instance that prompted this item to be on the agenda.

Commissioner Hegg advised that he talked about this in January; when a situation occurs where a map comes out of nowhere and could blockade a business; he doesn't think they want a board that goes out and talks and bypasses them.

District Attorney Sean Rowe stated that he and Planning Commission Chairman Mark Nixon had been talking for years regarding the need for a more unified and coherent planning capacity for the county; there is a need for personnel that attends, consults and is a liaison with other county departments; there is also a need for a building department that could enforce the Planning Commission mandates and also ensure compliance with the planning and zoning ordinances in the county.

Mr. Nixon stated there were issues with enforcement and the Planning Commission was not enforcement; he gets enquiries every day about zoning; so he looks at the maps that have been approved for the answer and then the person goes to the Assessor's Office and they are using the wrong maps; the maps and Special Use Permits do not make it to the outside offices.

Commissioner Hegg asked Mr. Nixon what he tells a person when they come to him with a zoning issue when the map is wrong. The person could think that the answer was the county's stance yet the Board knows nothing about it.

Mac Potter thinks the planning commission is doing a wonderful job and the board should be grateful.

Commissioner Tipton advised that the Board needs to have an agenda item every two weeks with a report of what is going on at the Planning Commission.

The Board advised placing a standing agenda item for the Planning Commission.

15. For consideration and possible action relative to adopting only the newest pre-existing county maps/overlays, filed and on record for public viewing in the Assessor's Office as of 6/2018, as the official maps on all land categories, zoning, types and boundaries. Those maps in conflict that are filed same-date or any unique situations, to be approved individually by the commission.

Commissioner Tipton asked if the Assessor's Office had the current map.

Mr. Nixon advised that they checked and they did.

Commissioner Hegg stated that he was informed that an individual was approached by the Building Official who said the project was stopped because Mr. Nixon approached him regarding the map being wrong.

Mr. Nixon advised that all he told the Building Official was to check the zoning.

District Attorney asked for a few minutes with Commissioner Hegg.

Commissioner Hegg advised moving on; he stated he didn't have enough of the legitimate maps to say those were the correct maps.

Commissioner Tipton advised that there was conversation regarding the outlying areas and putting a Commercial Overlay on Mina/ Luning Residential to allow them to have a business on the highway without getting a Special Use Permit

Mr. Nixon advised they would be informing the residents of their plans; he stated that Mineral County had been violating their own ordinance and that's what the Planning Commission was trying to fix.

16. For consideration and possible action relative to hiring a Compliance Officer for the purpose of enforcing a Nuisance Ordinance.

Agenda item was cancelled.

17. For consideration and possible action relative to repeal, temporarily suspend, or substantially modify building and construction type Ordinances county-wide to spur development; made in conjunction with the Compliance Officer and Nuisance Complaint Ordinance agenda items.

Agenda item was cancelled.

18. For consideration and possible action relative to developing a strong Nuisance Complaint and Minimum Safe Standards Ordinance the county can actually focus and fund compliance of.

Agenda item was cancelled.

19. For consideration and possible action relative to developing a Fireworks Sales Ordinance similar to Pahrump's for the sale of fireworks county-wide.

Commissioner Hegg stated that Pahrump had an ordinance for the sale of fireworks and still kept their codes in compliance.

Craig Nixon stated the ordinance needed language for not only selling the fireworks but also the use of the fireworks.

Commissioner Tipton advised Commissioner Hegg to work with the District Attorney.

20. For consideration and possible action relative to an update on power installation project and lighting in the storage yard holding Cecil and growing debris and storage in the way of Cecil.

Hawthorne Utilities Director Larry Grant advised they were in the process in putting power to the opposite side of the building the wiring was a safety concern the plan was to move; he put a stop to the project because of the procurement process and this agenda item; he was advised that the property was leased to the Chamber of Commerce for 99 years for \$1 a year for Cecil.

Commissioner Hegg asked Mr. Hamrey if he knew about it.

Mr. Grant advised they had different options; move the meter to other side or to trenching across the alley and attach to the existing meter.

Mr. Hamrey advised according to policy they need a scope of work and you can't cross the alley, he doesn't think the building inspector would allow you to jump from property to property.

Discussion ensued regarding the installation for getting lighting to the Hawthorne Utilities storage units.

The Board advised having a discussion about this at the Director meeting.

21. For consideration and possible action relative to Office Manager/Secretarial staff job duties discussion relating to outside-of-office activities.

Commissioner Hegg stated that he keeps seeing staff out driving; with a County Manager there could be feedback on time spent on outside- of- office activities and if the position was needed.

22. **Honorable Garth Price, Commissioner** – For discussion and possible action relative to having Hawthorne Utilities and Public Works dig up and identify sewer connection for Mt. Grant Electric at the Hawthorne Industrial Park.

Commissioner Price advised that Buck Hall asked about bringing the sewer connection up so that he could move forward with work that he was responsible to get done.

Public Works Director Eric Hamrey advised that part of the lease was to extend all utilities specifically sewer to the premise.

Hawthorne Utilities Larry Grant advised the sewer line was 14 feet deep; he feels that the Utilities had some responsibility to correct the sewer connection problem.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to allow Hawthorne Utilities to address the sewer connection problem at the Hawthorne Industrial Park.

Commissioner Price amended his motion to include Public Works to provide help if Hawthorne Utilities needs it.

Public Comment: None

23. For consideration and possible action relative to discussion regarding employees exhausting all personal leave before requesting leave donations.

Commissioner Price advised this was on two weeks ago.

Ms. Hoferer gave a background on the county leave policy; her policy suggestion was to have them be eligible for the Family Medical Leave Act, and the department head should be requesting the sick leave donation; in the current policy it has to have the concurrence of the department head.

Ms. George advised that you would not have to go on a case by case basis if it was in the policy.

Commissioner Hegg asked why the leave couldn't be combined into one.

Shelley Hartmann talked about other companies who have a leave bank system.

The Board advised having further discussion on this topic.

- 24. Honorable Jerrie Tipton, Commissioner** – For consideration and possible action relative to request from United States Navy due to military expansion.

Commissioner Tipton stated that when she attended the NACO Board meeting she was advised to have discussion regarding the loss of revenue to the county; they would like the county to come up with 3 to 5 things the county needs.

Mark Nixon advised that everything was listed in the comment area.

Shelley Hartman advised under the environment policy under NEPA if you have not already identified the environmental impacts in the documents then a claim could not be made.

- 25.** For consideration and possible action relative to the funding for one seat at the Power One class at NACO conference in November.

Not Necessary

- 26.** For consideration and possible action relative to review and approval of the Public Defender reporting tool.

Commissioner Tipton Council advised this was a tool to help the Public Defender in the reporting of indigent defense numbers.

District Attorney Sean Rowe advised there was a statutory requirement for the counties to track indigent defense numbers and there was three different methods of indigent defense provided in Nevada; the Supreme Court and NACO was asking for the gathering of this information and to make the Board aware of what the numbers were for indigent defense; NACO helped develop a tool to make the reporting uniform throughout the rural counties.

A MOTION WAS MADE BY Commissioner Price, seconded by Commissioner Hegg and unanimously carried by the Board to accept the Public Defender Report tool.

Public Comment: None

- 27. Closed Session** – Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations.
- 28. Open Session** – Discussion and possible action relative to all labor/bargaining unit contracts, grievances and negotiations. (Public comment following.)

TIME SPECIFIC ITEMS:

12:30 PM Regional Transportation Commission - cancelled

1:00 PM Honorable Board of County Commissioners – For consideration and possible action relative to nuisance complaint for Parcel #001-243-02.

The Board advised the Building Inspector to go and look at the property and to place back on the agenda in two weeks.

Commissioner Tipton advised that she and Eric Hamrey had attended the RS2477 workshop, they would be working on updating the information on the county roads to put into the Master Plan and Public Land Use plan; then given to BLM and the State of Nevada to be included in the Annual Road inventory that goes to the Federal Government.

Board of Highway Commissioners

Public Comment - None

Commissioner Recognition – Commissioner Price thanked the Clerk's Office and the volunteers for a very successful election.

There being no further business to come before this Board, the meeting of the Board adjourned until Thursday,

November 15, 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: 11.21.18

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.