



Board of Mineral County Commissioners

Hawthorne, Nevada

May 2, 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 by Phone
Honorable Christopher Nepper	Clerk-Treasurer
Honorable Sean Rowe	District Attorney

Absent: Honorable Garth Price Member

1. Pledge of Allegiance

Pledge Allegiance was led by Commissioner Jerrie Tipton.

Safety Message was provided by Emergency Manager Patrick Hughes relative to Hazard Communications and Safety Data Sheets.

2. Public Comment – Commissioner Tipton advised one Commissioner was absent and one was attending by phone.

3. Approval of Agenda/Necessary Changes

Commissioner Tipton advised that items 8, 9, 15 and the 1:30 Time Specific was going to be moved to the May 16, 2018 meeting.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve agenda changes as presented. A vote of the Board disclosed the following:

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

Motion carried and so ordered

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.

Accounts Payable Vouchers were presented for review.

5. Reports and Correspondence - None

6. Minutes of – April 18, 2018 for review and possible action.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the minutes of April 18, 2018 as presented. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

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

A. Nevada Restaurant Services, Inc.; Bourbon Street Sports Bar #159; New Applicant

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the Business License Application for Nevada Restaurant Services, Inc. conditional upon the notice of occupancy. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Reuben Sanchez provided information and pictures of the business.

Public Comment: None

B. Bruce Yocum; Paramount Cable Corporation; 27 Affonso Drive, Carson City, NV 89706; New Applicant

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the Business License Application for Paramount Cable Corporation. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public Comment: None

C. Lynne D. Harker, PEI Placer Electric Incorporated; 5439 Stationers Way, Sacramento, CA 95842; New Applicant

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the Business License Application for PEI Placer Electric Incorporated. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

8. Patrick Hughes, Emergency Manager – For consideration and possible action relative to approval of County Master Safety Manual.

Item moved to May 16, 2018 meeting.

9. For consideration and possible action approval of FY 2019 United We Stand Grant submission from Mineral County Local Emergency Planning Committee, Submission date is 5/1/2018.

Item moved to May 16, 2018 meeting.

10. **Chris Lawrence, Fire Chief** – For consideration and possible action relative to update and possibly signing agreement for the purchase of vehicles from Las Vegas.

Mr. Lawrence advised they were waiting on the contract for the vehicles; he needed approval for the commissioners to sign the original contract when it was received for the purchase of a 2000 Rescue Unit and a 1997 Spartan Ariel Unit. The cost was \$6,250 each.

Recorder Auditor Christine Hoferer advised this was approved at budget time to be paid from Capital Projects.

Mr. Lawrence requested to keep the \$2,500 from the original \$15,000 that was approved for maintenance.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to allow the chairman to sign the contract for the purchase agreement for a 2,000 Rescue Unit and a 1997 Spartan Ariel Unit at \$6,250 each. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

11. **Cherrie George, Senior Services Director** – For consideration and possible action relative to approval to host a community flea market and craft fair fundraiser event for Senior Services.

Ms. George advised the Senior Services Center would like to hold a flea market and craft fair event in their parking lot on June 2, 2018; they plan on selling spaces for the craft fair and some items they have in storage; the vendors would keep their proceeds; the funds would be used to renovate the interior of the center.

District Attorney advised they would need to check the statute and grant language regarding the sale of county property.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the Senior Services community flea market and craft fair fundraiser on June 2, 2018. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

12. **Heidi Bunch** – For consideration and possible action relative to act upon a Resolution Authorizing Mineral County support for Armed Forces Week, May 13-19, 2018; proclaiming May 2018 as Armed Forces Month and proclaiming May 13-19, 2018 as Armed Forces Week.

Commissioner Tipton read resolution 18-007 into the record to authorize Mineral County support for Armed Forces Week and proclaiming May 2018 as Armed Forces Month and proclaiming May 13-19, 2018 as Armed Forces Week.

Public Works Director Eric Hamrey, asked for clarification on what Public Works could do.

Mr. Rowe advised Mineral County could not support a private business making money.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve resolution 18-007 as read into the record. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public Comment: None

- 13. Timothy Howe** – For consideration and possible action relative to approval of Walker Lake Advisory Board member.

Commissioner Tipton advised continuing item until May 16, 2018.

Mr. Howe showed up, he advised that one of the members was leaving.

Commissioner Tipton explained the procedure to Mr. Howe.

- 14. Ellen Blair** – For consideration and possible action relative to correction of Assessor description of deeded patented mining claims and listed requirements on formal request for a reduction of utilities.

Ms. Blair was not in attendance. Commissioner Tipton advised they would address item when Ms. Blair places the item back on the agenda.

- 15. Steven Kelley** – For consideration and possible action relative to petition of Trust property for sale, Parcel #001-255-11.

Mr. Kelley was unable to attend; the Item was moved to May 16, 2018 meeting.

- 16. Susan Maple** – For consideration and possible action relative to burial permits being stored at Günter's Funeral Home.

Ms. Maple advised that she had gone to the Records office to file a burial permit, they advised her to take it to the funeral home; she wanted to know why a private enterprise was keeping records that should be kept in a county facility; If there is not a public record kept this information will be lost forever.

Jay Gunter from Gunter's Funeral Home advised there were statutes and ordinances that had to be followed; and the Funeral Board had an NAC where a funeral home had to maintain a record for seven years; the only public records is the death certificate that is filed with the State.

Commissioner Tipton advised giving the museum the information on private cemeteries.

- 17. Scott Moderson** – For consideration and possible action relative to discussing the outrageous fees from Hawthorne Utilities attached to Hawthorne Speedway and 980 C Street, water utility meters. To discuss equality.

Mr. Moderson advised he tried to work with Mr. Grant; The controversy was the late fees tacked on the account, the water was paid for; he wanted to know why the late fees were so high. He was advised the fees were set by Hawthorne Utilities a long time ago.

Mr. Grant advised Mr. Moderson had signed the utility bill not the race track so the bill was attached to his home account; Hawthorne Utilities was not stopping the racetrack from running; he was treated as every other customer regarding his bill. Mr. Grant advised the late fees had been stopped and the billed turned over to collections.

Mr. Hegg asked about the bleachers being completed and if this would be enough to get the water for his business.

Mr. Grant advised no but if he would pay a substantial amount he would list him in good standing, then he could put in a meter under the business. The bill stands as it is.

Ms. Samson advised the bleachers were attached to a grant.

Commissioner Hegg advised they could not remove the late fees because it would set precedence.

Mr. Rowe advised it was a straight forward ordinance but as a customer he agreed it was a high late fee. The Board could look at amending the Ordinance.

Dana Tommila advised she had conflict with Larry Grant and they were fine, it sounded like a copout and that it sounded like he wanted out of the business.

18. **Honorable Chris Nepper, Clerk-Treasurer** – For consideration and possible action relative to Affidavit of Delinquent Property Tax Mailings for FY 2017-18 as required by NRS 361.5648.

Commissioner Tipton read the Affidavit of Delinquency.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to accept the Affidavit of Delinquent Property Tax Mailings as presented. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

19. For consideration and possible action relative to letter and resolution of support for release of BLM Wilderness study area.

Commissioner Tipton read resolution 18-006 into the record.

Mr. Nepper advised he needed to correct the resolution to read 79,000 in place of 3,000 acres and Commissioner Tipton advised changing areas to area because Mineral County has only 1 Wilderness Study area.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve resolution 18-006 as read into the record and send the Letter to Dean Heller with the changes. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Mike Guss stated he agreed, the BLM was a joke and maybe they could get a different department in charge of lands.

Public comment: None

20. For consideration and possible action relative to approve modification of our attorney representation agreement.

District Attorney Sean Rowe advised Allison Mackenzie was the firm retained along with Macadon

Erquiaga, for the Green Energy LLC Lawsuit; Kevin Benson was leaving Allison Mackenzie, he advised it was in the Counties best interest to maintain the client relationship with this attorney.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve Kevin Benson's continued representation of Mineral County in the Green Energy LLC Lawsuit. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: None

Michael Guss would like to know the total amount of the lawsuit.

21. For consideration and possible action relative to acceptance of Cooperative Agreement with NDOT on Lady Bird Park, 10 year agreement.

Commissioner Tipton advised this was a continuation of the previous agreement.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve the 10 year Cooperative Agreement with NDOT on Lady Bird Park.

A vote of the Board disclosed the following:

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

Motion carried and so ordered

Ms. Hoferer advised somebody needed to advise the new Park and Recreation Coordinator of the agreement.

Public comment: None

22. **Honorable Board of County Commissioners** – For consideration and possible action relative to Hawthorne Mobile Home Park accepting RV's.

Dana Tommila stated she had been advised this item had to come before the Board.

Mr. Rowe stated he had talked to Mr. Nixon of the Planning Commission regarding this topic being a Special Use Permit, a Conditional Use Permit or a variance; and would have to go back to the Planning Commission for a decision. Discussion ensued.

Commissioner Tipton advised that after the Planning Commissioner it would have to come back to the Commissioners.

Mr. Dimmick advised this would have to go to a Public Hearing.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to send back to the planning commission to go through the special use or conditional use process as quickly as possible. A vote of the Board disclosed the following:

Ayes: Commissioner Hegg
Commissioner Tipton
Nays: None

Abstain: None
Absent: Commissioner Price

Motion carried and so ordered

Public comment: None

23. **Closed Session** – Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances and negotiations. Not Needed
24. **Open Session** – Discussion and possible action relative to all labor/bargaining unit contracts, grievances and negotiations. Not needed.

TIME SPECIFIC ITEMS:

11:00 AM Honorable Board of Mineral County Commissioners – For consideration and possible action relative to Mineral County joining a lawsuit with other Nevada Counties, against the drug manufactures of Opioids. The state suit against those manufactures does not address the costs counties incur in the issue.

Mr. Robert Egklet provided a presentation on the Opioid epidemic. He advised Mineral County to hire outside counsel and to file their own lawsuit, but they would work with the county.

Commissioner Tipton asked what was needed from the county .

Mr. Egklet advised they would need the assistance from employees for information, but the cost for this was recoverable.

Mike Guss stated if the county hired council and won the lawsuit because of government spending it would not reach the people that needed it; he advised having a plan and to put the majority of the money into treatment programs.

Sherri Samson asked how you litigate without bringing down the medical community.

Dana Tommila asked about the Insurance companies being held liable.

Harold Dimmick asked about the people that actually need them and wasn't there a personal responsibility.

Mike Guss asked the District Attorney what percentage of cases that goes through his office was connected to control substances.

Ms. Hoferer advised that she could see the same people circulating through the offices. It was a personal issue and getting the help was the problem.

Ms. Samson stated one of the components to encourage the county was proper accountability and intervention. Both her and her husband goes to Banner Churchill because the medical community in Hawthorne over medicates you.

Mike Guss asked if there was a way for a person to recover their losses.

Mr. Egklet advised the money would be for the county to get help for their community.

Ms. Hoferer asked what other counties had joined the lawsuit.

Mr. Egklet advised that Clark County, Henderson, Nye, Reno, He was expecting most of the counties and municipalities.

A MOTION WAS MADE BY Commissioner Hegg and seconded by Commissioner Tipton to approve Mineral County to move forward with negotiable terms of representation in a possible suit against Opioid producers. A vote of the Board disclosed the following:

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

Motion carried and so ordered

Public comment: Mr. Guss commented on the Motel in Schurz; he would encourage The Board to transfer the property to the Schurz tribe under eminent domain.

12:30 PM Regional Transportation Commission.

1:30 PM Mike Fontaine, Building Inspector – For consideration and possible action relative to First Reading by Title Only, Revision of Mineral County Ordinance Title 8.40 (Nuisance).

Item moved to May 16, 2018 meeting.

Board of Highway Commissioners – Not Necessary

Public Comment

Commissioner Recognition – Commissioner Tipton advised June 20 was the change of command at SOC and July 4 both dates are regular meeting dates; an agenda items would be needed to address these meeting dates.

There being no further business to come before this Board, the meeting of the Board adjourned until Wednesday, May 21, 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
Jerrie Tipton, Chairman

Date: 5.16.18

Attest:

Christopher Nepper, Clerk of the Board

Mineral County is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.