

**IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON OCTOBER 14, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA**

The Following Were Present:

County Commission  
Richard Howe, Chairman  
Travis Godon, Vice-Chairman  
Ian Bullis, Commissioner  
Shane Bybee, Commissioner  
Laurie L. Carson, Commissioner  
Nichole Baldwin, Clerk of the Board

County Officials:

Fire Chief, Brett North  
Sheriff Scott Henriod  
Tim Bunch, HR Director  
Bill Calderwood, Public Works Director  
Mike Wheable, District Attorney

Also Present:

Donna Bath, Silver Lion Farms  
George Chachas  
Pat Stork, Ely VFD Fire Chief  
Bill Miller

Present via Zoom:

Geri Wopschall, Caroline McIntosh, Marietta Henry, Ely Ofc, Sage Dalton Black, Jared Bybee (BLM), Lori Romero (Library Director), John Snow, Brian Hardy Esq.,

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Chairman Richard Howe called the meeting to order at 9:03 a.m. Commission Vice Chairman Travis Godon led the Pledge of Allegiance.

**MOMENT OF SILENCE/SILENT INVOCATION**

Chairman Howe announced that a gentleman with Bald Mountain Mine from Elko passed away from COVID-19 this morning and he asked the assemblage to possibly think good thoughts for that individual during the moment of silence, which was then duly observed.

**PUBLIC COMMENT**

Deborah Wylker commented about the roads in central Ely being done, all except Parker Avenue. Chairman Howe advised that that road is in City limits and this needs to come before the City Council. Mike Wheable, DA noted that the Regional Planning Commission oversees that road which falls under the purview of this board.

George Chachas stated the previous lady has a valid complaint. Slurry seal has been applied to streets in good shape and certain other streets that are in serious disrepair have been ignored. George noted that Commissioner Bullis is still not complying with the mask wearing requirement and if he cannot comply, he should resign and so should other elected officials. Cases of COVID-19 are increasing; it's not a big deal to wear a mask. He asked about item 1B2 as far as who will pay for the building and utilities as taxpayers have no obligation to private

enterprise. 1E1 is an item to terminate agreements with Western Oil/Gold/Energix and that should've been done months ago. He reminded the Board that he has not received reimbursement for damage done to his property in White Pine County. Time was called.

Chairman Howe apologized to Deborah Wylker and promised to go to the RPC for her issue.

**A. 9:00 A.M. PUBLIC HEARING**

**\*1) PUBLIC HEARING/Discussion/For Possible Action: The White Pine County Board of Commissioners will take public comment regarding the receipt of a notice from the State Engineer of the Division of Water Resources that Bema Gold (U.S.), Inc., through its agents, Hydrotech Consulting Services, LLC and Dixon Hydrologic, PLLC, of an application 89953T filed on July 27, 2020. This application proposes to change the point of diversion of existing Permit 26239 from an underground source in White Pine County to a well site located within Nye County. The Board of Commissioners may approve a course of action to recommend to the State Engineer**

Chairman Howe asked DA Wheable to present this item, but he didn't know what this was about. He explained that this is a commercial enterprise doing business in Nye County and while we want to be good neighbors, we want to be careful with our water resources. Commissioner Godon commented that Kinross is involved with the application, which is included in the backup material. DA Wheable will get more information.

George Chachas is concerned that we are approving the action of the transfer of water and that we should be careful without knowing all the facts. No action was taken.

**The Chairman temporarily recessed the regular County Commission Meeting for a regular meeting of the White Pine County Fire Commission at 9:15 am.**

**The Chairman adjourned the meeting of the White Pine County Fire Commission to reconvene the Regular County Commission meeting at 9:33 am.**

**C. 10:00 A.M.**

**\*1) Discussion/For Possible Action: Approval for White Pine County to join Plaintiffs (Lander County) in a civil complaint against the State of Nevada for acting outside the scope of Special Legislative Session and seeking other remedies. District Attorney, Mike Wheable & Brian Hardy, Esq.**

DA Wheable presented this item briefly. Brian Hardy is doing the litigation and can answer most questions. This is in regards to Special Legislative Sessions that were called this year. When those are called, the Legislature must declare the scope of the issues at hand, especially if they change our laws. This lawsuit alleges that the scope was not declared properly and with the fact that the session was held at 2am, this is an injunction stating the Legislature acted outside of their scope and should be enjoined from enforcing the initiatives that resulted from the session. If the initiatives are passed by the voting public, it would likely close our mining industry, which is a third of our community. He noted an agreement that was handed out for their information. He added that there are potential ramifications that

could result from this; however, none he can think of are more important than this issue. Commission Vice Chairman Godon felt that if we don't fight for this, we should resign. If this was passed, it would wipe out our County. DA Wheable added that the Mining Association is working different angles since this can devastate our Nevada economy, to remain strategic. Commissioner Carson noted that she is aware of other organizations interested in joining this lawsuit. Commissioner Carson disclosed that Al Marquee is a family friend to her and the DA thanked her and stated she can still vote on this item.

Brian Hardy, Esq via Zoom advised the Board that the Special Session was called by the Governor, but nothing noted the changes to mining taxes, which was not proper. The actions were beyond the scope of the Special Session. If we prevail, they have to go back into Special Session with all parties of the House and Senate present and fully discuss the issue. This would allow the time needed to eliminate the potential threat to the State. DA Wheable thought we just need time to educate the Legislators that this action does not serve the best interest of the State. Commissioner Bullis added that the State is trying to make up for killing the casino industry with the way of thinking that if we tax more, we will have more money. Mr. Hardy noted the tax increase to 7%. Commissioner Bybee felt our Legislature does not represent the entire State of Nevada, but only Clark County, who came like thieves in the night to raid rural Nevada for their coffers. Commissioner Godon agreed that hidden taxes are everywhere and we are headed right for control being taken away from the private industry. Mr. Hardy explained that the precedence being set is that our taxes can go up, but never really go down. Lander County is committed to serving a two prong attack with the lawsuit to also prepare a fiscal impact study to show how this will truly impact rural counties. Humboldt, Pershing, and Elko Counties have indicated their participation. Commissioner Godon moved to approve this item and Commissioner Bybee seconded the motion, which passed. The Commission gave Mr. Hardy the authority to list White Pine County as an additional plaintiff in his Amended Complaint that he has to file the end of this month and the fee agreement will appear on the Oct. 28<sup>th</sup> agenda.

#### **D. 10:15 A.M. NATURAL RESOURCES**

##### **1) Discussion: Information only regarding the White Pine County Natural Resource and Public Land Issues Tracking List. Jeremy Drew, RCI**

Jeremy Drew from RCI via Zoom explained the issues he's been tracking as contained on the list in the backup material. He proceeded to update the Board on what has taken place on various issues that are on his radar. He further advised the Board of upcoming energy projects in the County which he will get more information on and present at a future meeting.

##### **2) Discussion: Information only regarding a summary of the Nevada Division of Water Resources Basin Designation Hearings. Jeremy Drew, RCI**

Jeremy Drew from RCI informed the Board on what took place during the hearing that took place yesterday in the Library. He noted the various basins affected by yesterday's hearing and added that additional hearings are coming up that affect WPC on Oct. 22<sup>nd</sup> and 26<sup>th</sup>. He provided comments yesterday and asked for 30 days to make written comments. Jeremy provided a general overview of yesterday's meeting: he's concerned with their designating 58 basins and adding some every day. Each was opened for a hearing and DWR's presentations were less than 2 minutes each. A draft order was provided with a map and an

abstract and no other detail was provided. The orders were “high-level” and not user-friendly. He thinks we need to call out our concerns with the process, the timeframe, the fact we offered to help facilitate the hearings and accommodate public participation, and emphasize that we don’t believe the Division of Water Resources presented a compelling case to designate those basins. Commission Vice Chair Godon felt the State acted incompetently by not answering questions they were asked. He felt the basins are being designated to levy more taxes and it could end up in litigation. Commissioner Godon felt this is a radical left movement and needs to be countered. Commissioner Carson wanted Jeremy to add the topic of the changes in use of the water and noted Kinross Ranches using water for mining. If the mines close, their water rights will not revert back under the State’s proposed changes. Jeremy questions the State’s intent and motivation and plans to call out the preference designations among other issues. Commissioner Carson stated that the State was being negligent in the data they were using and CNRWA is holding a special meeting about the way this has been handled. The State is not allowing stakeholders to do due diligence to respond. Commissioner Godon stated all ranchers in attendance had no issues that required anything to be changed or fixed by the State.

**\*3) Discussion/For Possible Action: Approval regarding a Work Order Amendment for development of written comments regarding the Nevada Division of Water Resources’ proposal to designate groundwater basins in White Pine County. Jeremy Drew, RCI**

Jeremy presented this item and gave a brief budget update. There is \$9,600 left in his Natural Resources budget and he is comfortable with that amount, however there are a lot of things going on at this time. He felt what he has proposed will be cost effective for the County. Commissioner Godon moved to approve this item and Commissioner Carson seconded the motion, which passed. The Chairman thanked Jeremy for his hard work.

Commissioner Godon requested a closed litigation session before the next item. At 10:49 am, a break was called. Back in session at 11:01am.

**ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS**

**A. COUNTY COMMISSION**

**1. Richard Howe, Chairman**

**\*a) Discussion/For Possible Action: Approval of the County Commission Meeting schedule for November and December 2020**

Chairman Howe explained why we need to set a special holiday meeting schedule and suggested a Special Commission Meeting on November 16<sup>th</sup> only, with no other meeting during that month. In December, he suggested holding a regular meeting on December 9<sup>th</sup> and no second meeting due to the Christmas holiday. Commission Vice Chair Godon moved to approve Richard’s suggestion and Commissioner Bullis seconded; motion passed.

**\*b) Discussion/For Possible Action: Approval to set a Special County Commission Meeting in January 2020 immediately following the swearing in of newly elected Commissioners**

Chairman Howe explained the need for this special meeting on January 4<sup>th</sup>, 2021. Commissioner Carson moved and Commissioner Bullis seconded; motion passed.

**\*c) Discussion/For Possible Action: Approval of a letter of support regarding the N4 water issue**

Clerk Baldwin will obtain the draft, which was not present when this item was first discussed, and this will be handled later in the meeting.

Meeting back in session at 10:09am. Clerk Baldwin provided the draft letter during the break. Commissioner Godon moved to approve the letter and Commissioner Bullis seconded the motion, which passed.

**\*d) Discussion/For Possible Action: Approval of comments in regards to the Ely Ranger District proposed fee increase for campgrounds**

Chairman Howe noted this came from Jose Noriega at the Forest Service. Commissioner Bybee stated his support for this increase as being justified. The Chairman is in support of the increase as well. Commissioner Carson commented that the Ward Mountain campground is the highest fees at \$12 and that is to help put in and maintain a well up in that location. Commissioner Carson moved to send a letter in support of the increases. Commissioner Bullis seconded the motion and it passed.

**2. Travis Godon, Vice Chairman**

**\*a) Discussion/For Possible Action: Ratification to extend termination of space utilization for the University of Nevada, Reno Cooperative Extension in the County Library until November 30<sup>th</sup> to allow more time to find a suitable and affordable private lease for its services**

Commission Vice Chairman Godon explained that UNR reached out to him and he consulted with the DA on this, who approved it. Commissioner Carson advised that Ivory Lyles from UNR will be here on October 28<sup>th</sup> to update the Board on this situation. Chairman Howe expressed the desire to keep 4H and the Cooperative Extension close to the city. DA Wheable reminded the Board that we have space utilization issues and we have been providing their office space for years with no written lease. There are legal issues that exist that leave the county open to liability. Options are opening up to solve this problem. We are still complying with our statutory obligations. Commissioner Carson advised that Mr. Lyles informed her that the only lease option they've been able to find was near \$35,000/year, which would take away from the services they provide locally. Commissioner Carson moved to approve this item and Commissioner Godon seconded; motion passed.

**3. Laurie Carson, Commissioner**

**\*a) Discussion/For Possible Action: Approval to donate 2 picnic tables to McGill Elementary School for the duration of the COVID-19 pandemic**

Commissioner Carson reported that she was contacted by McGill Elementary School with a need for more tables to properly space out kids during the COVID-19 pandemic. She desired to look at purchasing these tables for them in the long term, as well. Public Works Director Calderwood was contacted by the Chamber of Commerce who has tables available, but he does not know the condition of them. Director Frances felt there would be a way to cover this with CARES Act funding. Sheriff Henriod planned to donate a table, too, after he has it



refurbished. Commissioner Godon moved to approve and Commissioner Carson seconded; motion passed.

**B. ELECTED OFFICIALS**

**1. Sheriff Scott Henriod**

**\*a) Discussion/For Possible Action: Acceptance of quarterly in custody death report**

Commissioner Godon moved to approve and Commissioner Bybee seconded the motion, which passed.

**2. Nichole Baldwin, County Clerk**

**\*a) Discussion/For Possible Action: Approval to hold a Special County Commission Meeting on Monday, November 16, 2020 to accept the Canvass of the Vote for the 2020 General Election**

Item was handled under item 2A1a.

**\*b) Discussion/For Possible Action: Approval of the request to appoint Aaron Ruesch to the White Pine County Wildlife Advisory Board**

Clerk Baldwin advised the Board that the members' seats expired this year and the entire board is up for appointment or reappointment. The Board and DA want to have these seats advertised to appear on the November 16<sup>th</sup> Special Commission Meeting. Commissioner Bybee moves to table b and c, Commissioner Bullis seconded the motion; items b and c are tabled.

**\*c) Discussion/For Possible Action: Approval to reappoint Mitchell McVicars, Ray Sawyer, Steve Marquez, and Ramona Maestes to the White Pine County Wildlife Advisory Board**

Tabled per the above item.

**\*d) Discussion/For Possible Action: Approval of the request to resign Gabria Smith and Shadrach Michaels from the Local Emergency Planning Committee as per the request from that board**

Commissioner Godon moved to approve and Commissioner Carson seconded the motion, which passed.

**\*e) Discussion/For Possible Action: Approval of the Second Amendment to the Voting System Agreement by and between Dominion Voting Systems, Inc. and White Pine County, NV for the purchase of a high capacity scanner in the amount of \$13,075 which is paid for out of the funding the Clerk received from AB4 for the 202 General Election**

Clerk Baldwin presented this item. Commissioner Bullis moved to approve and Commissioner Bybee seconded; item passed.

**C. DEPARTMENT HEADS**

**1. Brett North, Director of Emergency Management**

**\*a) Discussion/For Possible Action: Approval of an agreement between White Pine County, the White Pine County Fire Protection District and Silver Lion Farms, LLC, for the establishment of a Fire District Volunteer Fire Station (Lages Station) to be located upon Silver Lion Farms' property near Lages Junction**

Director Brett North presented this item previously in the Fire Commission. Commissioner Godon moved to approve and Commissioner Bullis seconded the motion, which passed.

**\*b) Discussion/For Possible Action: Approval of the FY2020 Hazardous Material Emergency Planning (HMEP) mid-cycle grant award from Nevada State Emergency Response Commission in the amount of \$11,578.00 for the period September 16th, 2020 through November 30<sup>th</sup>, 2020. The required county match amount is \$0**

Chief Brett North presented this item as being a substantially reduced cost due to online participation. Commissioner Bullis moved to approve and Commissioner Godon seconded the motion, which passed.

Chairman Howe called a break at 10:00am.

**2. Bill Calderwood, Public Works Director**

**\*a) Discussion/For Possible Action: Approval to remove two trees from Veteran's Park due to safety concerns in an amount not to exceed \$10,500 from contingency**

This was handled under Elizabeth Frances' item b.

**3. Tim Bunch, Human Resources Director**

**\*a) Discussion/For Possible Action: to interview Chad Stewart, an applicant for the Airport Manager position, and determine if he meets the qualifications and expertise required for this position. Seeking a decision to appoint this applicant to the position or to continue the search. The Airport Manager position has been covered in an interim capacity by Tim Parish since July**

Human Resources Director Tim Bunch noted this applicant withdrew his application yesterday, so this is moot. Tim Parrish indicated to Mr. Bunch that it has been difficult to allocate enough time to the interim Airport Manager position. Commissioner Godon will place an item on the November agenda about how to address issues at the airport. Director Bunch recommended placing an ad on the radio to advertise for applicants.

**\*b) Discussion/For Possible Action: Approval to post position for Program Supervisor Senior Center in that Chris Ricci will be retiring on January 31, 2021**

Director Bunch noted an error; the correct retirement date is January 21<sup>st</sup>, not the 31<sup>st</sup>. Commissioner Carson moved to approve and Commissioner Bybee seconded. Motion passed.

**\*c) Discussion/For Possible Action: Approval to post/advertise for Senior Center Program Manager at Grade 127, Step X at \$18.90 per hour**

Commissioner Godon moved to approve and Commissioner Bullis seconded the motion. Motion was approved.

**\*d) Discussion/For Possible Action: Approval to onboard the new Program Supervisor for the Senior Center in addition to Chris, to allow the crossover of a two-week training period between Chris Ricci (retirement) and her replacement. Finance Director Elizabeth Frances will have on another agenda item to augment budget to allocate for this action**

Commissioner Carson moved to table this item and Commissioner Bullis seconded. Item was tabled.

**e) Discussion Only: Human Resources Operational Analysis for period of August 1st-September 15<sup>th</sup>, 2020**

Director Bunch advised the board that this is just so they can see what is taking place behind the scenes with HR and county employees. He ran through his report.

#### **4. Elizabeth Frances, Finance Director**

**\*a) Discussion/For Possible Action: Approval of monthly financial reports for September 2020**

At 11:20am, Chairman Howe moved to Finance Director Elizabeth Frances' items to allow her to leave early for an appointment. Commissioner Godon moved to approve, Commissioner Bullis seconded the motion and it was approved.

**\*b) Discussion/For Possible Action: Approval of Resolution 2020-61 to utilize \$10,500 from contingency to cover the cost of removal of trees that pose a public safety hazard**

This item was opened in conjunction with Bill Calderwood's item to remove trees from Veteran's Park. Public Works Director Calderwood advised the Board of 2 trees in the park that have no leaves and are hollow that need removed. Commissioner Bybee moved to approve and Commissioner Carson seconded; motion was approved for both items.

**\*c) Discussion/For Possible Action: Approval of Resolution 2020-62 to utilize \$2,500 from contingency to cover the cost for the Nevada Attorney General to review charges and potentially prosecute case number 2020-258 pursuant to NRS 228.130**

Commissioner Bullis moved to approve this item and Commissioner Bybee seconded the motion, which passed.

**\*d) Discussion/For Possible Action: Approval of Resolution 2020-64 to utilize \$10,108 from contingency to cover the cost of JNA Consulting Services required in relation to the USDA Rural Economic Development Loan & Grant Program (REDLG Loan)**

Commissioner Carson moved to approve this item and Commissioner Bybee seconded. This item passed.

**\*e) Discussion/For Possible Action: Approval of revision of Grant Application Being Made By Elizabeth Frances to the Nevada Department of Public Safety. For Funding Of Virtual Court Hearing Equipment and Approval of Grant Award in an**



**Amount Not To Exceed \$64,600.00 for the Period of January 20th, 2020 through June 30th, 2021 with A Required County Match of \$0**

Director Frances presented this item and noted the initial grant request was denied, so she ran it through a different program and was accepted to be funded with no match. Commissioner Godon moved to approve and Commissioner Bullis seconded; item passed.

**\*f) Discussion/For Possible Action: Approval of Resolution 2020-50 to augment the Capital Improvements Fund from unanticipated and unbudgeted beginning fund balance by \$9,300 to provide a required backflow preventer for the jail**

Commissioner Carson moved to approve and Commissioner Bullis seconded. Item passed.

**\*g) Discussion/For Possible Action: Approval of Resolution 2020-58 to augment the General Fund from unanticipated and unbudgeted beginning fund balance by \$12,309 to provide for potential higher rate of pay than budgeted for new bailiff**

Commissioner Bybee moved to approve and Commissioner Godon seconded the motion, which passed.

**\*h) Discussion/For Possible Action: Approval of Resolution 2020-60 to Augment the 911 Telephone Surcharge Fund from unanticipated and unbudgeted beginning fund balance in the amount of \$650 to upgrade RIMS Software at the Sheriff's Office to provide integration with mapping to allow enhanced 911 dispatch**

Commissioner Bullis moved to approve this item. Commissioner Bybee seconded and the motion passed.

**\*i) Discussion/For Possible Action: Ratification of Finance Director's decision to extend White Pine County's CARES Act Small Business Grant Program application process through October 29, 2020 and allowing non-profits to submit applications as long as all small business grants are prioritized and paid first prior to any payments to non-profits being made**

Director Frances explained that she is extending the application period to open it up to nonprofits and to allow more time for applicants, as not many were received. Commissioner Carson added that Senator Goicoechea has been working on the new form that is designed to be easier for small businesses. Director Frances explained why detailed information is being requested by GOED from applicants. Commissioner Godon moved to approve this item and Commissioner Bybee seconded the motion. Motion passed.

**\*j) Discussion/For Possible Action: Possibility of increasing award amounts to small businesses under the White Pine County's CARES Act Small Business Grant Program and allowing retroactivity to businesses that have already applied and may be eligible for more**

Director Frances explained that we were recommended by NACO to do this, but she and Commissioner Bybee are not comfortable to just increase the amounts. She is not sure this item is necessary. Chairman Howe added that he spoke to local businesses in regards to the \$5,000 award for each business allowing for 30 businesses to participate. Businesses responded to him that \$5,000 would barely put a dent in the losses they've experienced this

year. He thinks if only a few businesses apply, we should increase the allotments to help them. Commissioner Bybee knows of the struggles small businesses face locally and since he is not aware if his family business will be applying for this assistance, he will stop participating in this conversation. Commissioner Bullis suggested a fund to help local businesses to pay fines imposed by local and state governments for non-compliance issues. Director Frances was ready to mail out checks, but can wait to get a better overall picture. Commissioner Godon moved to increase \$5,000 to \$10,000 for businesses under 10 employees and from \$10,000 to \$20,000 for businesses with employees over 10. Commissioner Carson seconded. Motion passed while Commissioner Bybee abstained.

**\*k) Discussion/for Possible Action: Approval to amend budget for CARES Act Funds as previously approved based on changing needs and updated Treasury Guidance**

Director Frances noted page 6 and read the amendment and then interpreted it for the board. They've been allocated \$1 million and they don't want to send it back. She suggested we move this money to round out existing CARES Act funding and see what can be done to move the remaining balance from the General Fund to free up the budget to cover other items. She added a request for a court reporter from District Court for upcoming jury trials; this can be covered out of salaries and wages. Another request from McGill Town Council for a fogger came in and that would come out of CARES Act money for upgrades to the Justice Center. Commissioner Bybee purchased foggers from a company in Las Vegas for \$275 each and will get that information to Ms. Frances. Commissioner Carson moved to approve and Commissioner Bybee seconded the motion, which passed.

**CONSENT AGENDA: DISCUSSION/FOR POSSIBLE ACTION/RATIFICATION OF CORRESPONDENCE SENT ON BEHALF OF THE WHITE PINE COUNTY COMMISSION; APPROVAL OF PAYROLL FOR COUNTY ELECTED OFFICIALS; APPROVAL OF HR TRANSMITTAL FOR PAYROLL CHANGES; APPROVAL OF BUDGET TRANSFERS WITHIN/BETWEEN FUNCTIONS/PROGRAMS WITHIN A FUND THAT DO NOT INCREASE THE TOTAL APPROPRIATION OF THE FUND**

At 9:15am, Commissioner Bybee moved to approve and Commissioner Carson seconded the motion. Motion passed.

**UNTIMED ITEMS**

**\*a) Discussion/For Possible Action: Approval of minutes from the following County Commission Meetings:**

- **September 9, 2020**
- **September 23, 2020**

Commissioner Carson moved to approve both sets of minutes and Commission Vice Chairman Godon seconded the motion, which passed.

**\*b) Discussion/For Possible Action: Possible motion to close the open meeting for discussion with the Board related to Collective Bargaining pursuant to NRS 288.500 (c)**

No action was taken.

**PUBLIC COMMENT**

None was had.

**ADJOURNMENT**

Commissioner Bybee moved to adjourn and Commissioner Bullis seconded the motion. Meeting adjourned at 12:01 pm.

**BOARD OF COUNTY COMMISSIONERS**

**WHITE PINE COUNTY  
STATE OF NEVADA**

BY: *Richard Hoen*  
**CHAIRMAN**

**ATTEST:**

*[Signature]*  
**WPC CLERK OF THE BOARD**