

Minutes from the December 04, 2018 Commission Meeting

December 04, 2018

10:00 a.m.

Esmeralda County Courthouse

Commission Chambers

233 Crook Ave., 2nd Floor

Goldfield, Nevada

1. **CALL TO ORDER AND ROLL CALL.**

Michelle Bates -	Chairman – not present
Delon “De” Winsor -	Vice-Chairman
Ralph Keyes -	Commissioner
Robert Glennen -	District Attorney – In Court
Sandy Roper -	Clerk of the Board

2. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)
None.

3. ***RECESS TO ESMERALDA COUNTY BOARD OF HIGHWAY COMMISSION:**

Commissioner Keyes made the motion to recess to the Esmeralda County Board of Highway Commission.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

Back to Order

4. ***APPROVAL OF EXPENDITURES.**

Commissioner Keyes made the motion to approve the expenditures.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

5. ***DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor’s Office.
None.

6. ***APPROVAL OF MINUTES** from the Meetings of the Esmeralda County Board of Commissioners.
None.

7. ***FINANCIAL REPORTS:**
None.

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8. UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF:

Robert Glennen – District Attorney – not present
Ken Elgan – Sheriff

Sergeant Kirkland came up to give an update on the kitchen. The insurance company has decided that it is cheaper to buy us a whole new kitchen, instead of repairing the old kitchen. That is supposed to be done within the next 90 days.

LaCinda Elgan – Clerk/Treasurer – not present
Ruth Lee – Assessor – not present
Vera Boyer – Auditor/Recorder – not present
Mike Anderson – Goldfield Utilities/Es. Co. Public Works Supervisor

Mike read his report into the minutes.

12/4/18

Goldfield Utilities:

11/19/18 – Simerson was out here to do a meter change at our Generator at Klondike Well #1

11/20/18 – Sierra Controls was out here getting our new generator to correspond with our Scada System

11/20/18 – We had walk thru with our State Engineer Paul Winkleman for our generator.

11/27/18 – JCI Fire Alarm and Sprinkler System Company came here to do our annual alarm and sprinkler testing for the court house and everything passed.

11/28/18 – AC/DC Fire Extinguisher Company came out and did the rest of our fire extinguisher inspection and they all passed.

11/30/18 – Brad, Chris, Willy and Rodney helped flushed out the sewage by the court house.

11/30/18 – Michael Anderson, Susan Dudley, Angela Jewell and Timothy Hipp met with the Wendy Seely, Tim Coward and David Hullum to discuss about our fence around the generator at the Klondike Well #1 and also about the purchase of the sewage ponds on the BLM land.

Currently working on the flow meter at the sewer ponds.

General Maintenance

Rodney, Willy and Brad have been working on the firehouse project and getting the walls painted and put up.

We have hired William Bailes for our full-time Maintenance Helper and we are still looking for another employee to fill the other full-time we have opened.

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We have hired Christopher Morton for our part-time helper on November 29th, 2018.

Brad, Rodney, Willy and Chris are currently hanging up Christmas decorations for the community.

We got our new container delivered to us for Utility yard on 11/28/18.

Sherry Huffman – Administrative Assistant

Nothing at this time.

Sylvia Rich – Public Administrator – not present

Robert Glennen – Public Guardian – in court

Public Lands Committee – Haven't met

Kenneth Elgan – DEM Coordinator – not present

Fish Lake Valley Park Board – Did not have a meeting last month

Esmeralda County Library Board – not present

9. **Update of Current and Future Meetings and Activities of Commissioner's Bates, Winsor and Keyes.** (This is only an update. No decisions will be made.)

Commissioner Keyes: He stated he spent 3 days at the NACO conference earlier in the month and took many of the classes for his continuing education.

Commissioner Winsor: Nothing right now, but his calendar is filling up quickly. He just had a meeting with the Fire Marshall last month and we are trying to get everything caught up as soon as possible on that.

ELECTED OFFICIAL / DEPARTMENT SUPERVISOR / GENERAL PUBLIC ACTION ITEMS:

10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Reorganize the Airport Committee- Update committee members. (Commissioner Winsor)

Commissioner Keyes stated that he initiated this agenda item. He said we have a new facility improvement offer in Fish Lake Valley. NDOT also controls the airports. He said he has two people who would like to join the committee. Robert Moss is a retired airline pilot. Doug Degrazzio is also a pilot. Both of these people live in Fish Lake Valley.

Commissioner Keyes made the motion to make both Bob Moss and Doug Degrazzio members of the Airport Committee and include all three airports in the County.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Hire Structural Engineer to inspect the Courthouse/Jail. (Commissioner Winsor)

Commissioner had Edward go out and get some companies who would be interested in this. One is KEG. They bid \$19,000 to do an assessment and tell us what we need to do.

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Mike Anderson came up and stated that over the few years, he couldn't remember the year, they had a structural engineer come in and did the whole building and we got money from the state for preservation (about 1.5 million) to fix the court and all of that has been. He stated he is unaware of any new cracks.

Commissioner Winsor said Susan Dudley thought it was around 2002, but Mike Anderson said he thought it was longer ago than that; in the late 1990's.

Mike also stated the building does not have a foundation, it is just clay, really. He said any work done on the building has to be cleared through SHPO. Commissioner Winsor stated that he was aware about the SHPO requirements, and that is why there were only two companies that bid on it. He said he had heard from several people about the problems with the building so he wanted to get ahead of it. He said there are still earthquakes and we had that bomb go off so he wanted to see what needs to be done.

Mike said he has all of the information from the last time we had a structural engineer here.

Commissioner Keyes made the motion to have Mike Anderson and Commissioner Winsor to get the proper information to these engineering companies based on the prior work that's been done that Mike has and report back to us as soon as we have an updated report.

Commissioner Winsor stated he wanted to get more information on the bids he currently has to clarify what they covered. Commissioner Keyes then withdrew his motion.

Commissioner Keyes made the motion to have Mike Anderson and Commissioner Winsor get together and work out the details of getting a bid for the structural engineers.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

12. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Discussion/Decision on putting new locks on the Courthouse doors. (Sergeant Matthew Kirkland)

Sergeant Kirkland came up and said it has been a really long time since the keys to the courthouse has been changed. He also said that people have lost keys. He stated he would really like to see the whole courthouse re-keyed.

Commissioner Keyes made the motion to put new locks on the front and back door. The money to pay for it will come out of the Maintenance Dept. budget.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

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15. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** FTLB, LLC requesting permission from Esmeralda County Board of Commissioners to construct and operate a marijuana cultivation and projection facility at 1000 Aluminum Rd., Goldfield, NV 89013. Parcel #001-057-05. (Mario Quiroga and Tracy Reiss)

Mario Quiroga, Master Cultivator for FTLB, came up and stated they are requesting opening a cultivation facility of about 7,000 square feet at 1000 Aluminum Road. He wanted to assure everyone that everything will be held to state regulations. There will be 24 hr. security. It will be fenced off. He also wanted to stated that State officials and local Sheriff's employees will be able to view inside the facility 24 hours a day through their camera system.

He stated that the state regulations do not allow the smell from inside the facility to reach beyond the parking lot of the facility. He said they will also be employing people from Goldfield, as well as tax revenue to Goldfield.

Commissioner Keyes stated that because this is in town there is concern about the smell and whether their camera will extend to private properties.

Sheriff Elgan stated there were several legal concerns that need to be addressed. Mr. Quiroga stated that the state has already approved their license and that they are not going to have a dispensary. They are only a cultivation and distributor. They will grow and then export to the dispensaries.

NOTE: The District Attorney just came into the meeting.

Danielle Johnson came up and stated that the kids of Goldfield have one place in town to go play and it is right by where they are putting this place. She said they are putting a prison by a park.

Commissioner Winsor suggested they do a town meeting so people can ask questions.

Sheriff Elgan suggested they table this until after he does his security background check.

Jason Lopez came up and said he has been in the cannabis business for almost 10 years. He is a veteran. He said this plant is more than just a plant. It will be supplying medical support. It will supply jobs, very secure. He suggested that the public really do some research and see all of the benefits; the amount of, not just soldiers, but cancer patients, epilepsy patients, etc. Commissioner Keyes pointed out that this facility is not being built to grow for medicinal purposes, though. He was told he is correct.

Juanita Colvin came up and stated that she doesn't think that the issue is the economic benefit. She thinks it is the fact of the matter that we do not need a marijuana growing in this town. It's

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a small town. She suggested they take it out of town. She said there is a lot of space for sale outside the town limits.

Mike Eidson came up and asked where the money is coming from. Tracy Reiss stated it is family money. It is private money. She said it is two women that own the company.

Jeri Foutz came up and said it is really the facility. She said it is where it is located. It is so close to the park and our town. There are so many places they can put it.

Ed Franklin came up and stated that he would be a close neighbor to this. He said the reason he moved here was that it is really quiet and there are no lights. Now there will be a lot of lights and he has no idea what kind of traffic there will be. Mr. Quiroga said there would be about 8 people in total.

Paul Miller with Economic Development came up and gave them his card and told them he thinks he has a solution for them and thinks it is not here.

Sharon Artlip came up and came up and stated that she knows a lot of people who use medical marijuana and are not against it for that reason but she spent 24 years working in the prison system and knows what barbed wire looks like and the lights. This is within 1,000 feet of the school and residential areas. She knows of a lot of areas within Esmeralda County that might be better. Tracy stated they will be building something there because they already bought it.

Commissioner Keyes stated that he thought they might want to invite the Sheriff's office to their town meeting to they can address the public as well.

This item is tabled until next month.

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve Contingency Agreement with Eglet Prince, LLP and Bradley, Drendel and Jeanney Law Firms for legal services (for possible action). Consideration, discussion and possible approval of a Contingency Agreement by and between Esmeralda County, Nevada, a political subdivision of the State of Nevada, ("COUNTY") and the law firm of Eglet Prince, LLP and Bradley, Drendel and Jeanney, LLP for legal services in connection with potential litigation against the manufacturers, distributors, marketers, sellers and retailers that in any way caused or contributed to the COUNTY's opioid epidemic. Discussion and possible action. (Robert Glennen)

Robert Eglet, Robert Adams and Richard High from the law firm were on the phone. Commissioner Winsor asked them how much it was going to cost the county to get involved in this agreement. Mr. Eglet stated that it is not going to cost our county or any of the other counties anything up front. They are going to front all of the costs. They are working on a contingency basis. We wouldn't owe them anything unless they prevail in the case.

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He also said that any costs that the county puts out, like an employee helping the firm with obtaining documents, or getting data from the county, they can reimburse the county for that employee's time within 30 days and that cost would go back to them from the settlement of the case.

Commissioner Keyes confirmed that they would retain 25% of any settlement. He asked about county staff time. He asked if we had to wait until we prevailed in the case. He was told that we would be reimbursed within 30 days and would not have to pay it back if we did not prevail.

D.A. Glennen is recommending that we retain this company at the 25% contingency. Commissioner Winsor agreed.

Commissioner Keyes made the motion to approve the Contingency Agreement with Eglet Prince, LLP and Bradley, Drendel and Jeanney, LLP for legal services and approve the contingency agreement by and between Esmeralda County, Nevada, a political subdivision of the State of Nevada, ("COUNTY") and the law firm of Eglet Prince, LLP and Bradley, Drendel and Jeanney, LLP for legal services in connection with potential litigation against the manufacturers, distributors, marketers, sellers and retailers that in any way caused or contributed to the COUNTY's opioid epidemic.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

16. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: (TIMED ITEM: 11:30AM):** Esmeralda Regional Economic Development Authority, Paul Miller and Lu Torres from USDA, need to submit Esmeralda's Comprehensive Economic Development Strategy Document for the Board of Commissioners public announcement and the commissioners' resolution approving the CEDS document. Upon approval the CEDS will be submitted to the U.S. Department Commerce – Economic Development Administration (Agency). (Paul Miller, EREDA and Louise Torres, USDA)

Mr. Miller came up and stated that this is the final review and that the commissioners put in their input. He said it now goes up for public review for the next 30 days and then if no one has come forward, it needs to be adapted and that is it.

This item will be brought to the first meeting in January.

14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and approve appointment of Sharlene K. Watts as Esmeralda County Deputy Public Guardian and approve contract with Sharlene K. Watts for case management services (FOR POSSIBLE ACTION) – Consideration, discussion and possible approval of appointment of Sharlene K. Watts as Deputy Public Guardian and approve a contract between Esmeralda County, Nevada, a political subdivision of the State of Nevada, ("COUNTY") and Sharlene K. Watts services

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in case management and other duties on behalf of Esmeralda County Public Guardian.
Discussion and possible action. (Robert Glennen)

Robert Glennen stated the position of Public Guardian was handed to him 2 years ago and he had zero experience with it. He said the budget was \$5,000 and he only spent about \$80.00 for gas and that was it. He said he only has one person under guardianship right now. He said this person is knowledgeable. Sharon Artlip came up and stated that she has been working with her and she has been doing an excellent job and recommends her. Mr. Glennen wants hours at his discretion. A public guardian is generally for under-funded people who need help.

Mr. Glennen said this person would be required to take an oath and would be covered under Mr. Glennen's bond.

Commissioner Keyes made the motion to approve the appointment of Sharlene K. Watts as Deputy Public Guardian and approve a contract between Esmeralda County, Nevada, a political subdivision of the State of Nevada, ("COUNTY") and Sharlene K. Watts services in case management and other duties on behalf of Esmeralda County Public Guardian.

Commissioner Winsor seconded the motion. All in favor: Motion carried.

COMMISSIONER'S ACTION ITEMS

17. ***FOR POSSIBLE ACTION** – Recess of meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

None.

18. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION** - Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.

Not Needed.

19. ***FOR POSSIBLE ACTION** - Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues and other personnel matters.

None.

20. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION** – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.

Not Needed.

21. **CORRESPONDENCE:**

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Sherry Huffman came up and stated that Chris Arabia sent in an email of resignation to everyone. He is now the District Attorney of Nye County. She said she also just got another letter today that is an amendment of the date. The affective date is actually 5:00pm on January 1, 2019. We will need to advertise for a new District Attorney.

Sherry also wanted to add to the record that the commissioners have received 3 letters from concerned citizens about the marijuana cultivation building wanting to coming into Goldfield.

22. PUBLIC COMMENT. (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

Ed Rannells came up and wanted to recommend that the Commission reorganize the Game Board at the January time frame like usual. There was no oath of office before. They serve a 3-year term and he doesn't know when the last time was that they were appointed, but it has been a while.

Commissioner Keyes will work with Ed and Art Johnson to put an agenda item on the first meeting in January, 2019.

Tony Tipton came up and stated that he does a lot of work in Esmeralda County and in Cave Springs and the road gets wiped out a lot. He said he can work on it. He said he has the equipment and they go out there a lot. He said he sent his insurance in to the County and he can help with this. He would like the D.A. to work up an agreement. Ed Rannells said Mr. Tipton really knows what he is doing.

23. *ADJOURNMENT:

Commissioner Keyes made the motion to adjourn.

Commissioner Winsor seconded the motion. All in favor: Motion carried.