

Minutes from the September 19, 2017 Commission Meeting

September 19, 2017

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
Delon "De" Winsor -	Vice-Chairman
Ralph Keyes -	Commissioner
Robert Glennen -	District Attorney
LaCinda Elgan -	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.)

Greg Enlund came up and has an agenda item. He was told that it will be put on the October 3, 2017 meeting agenda.

3. *APPROVAL OF EXPENDITURES.

Commissioner Winsor made the motion to approve the expenditures.
Commissioner Keyes seconded the motion. All in favor: Motion carried.

4. *DISCUSSION/DECISION/APPROVAL: Rejected vendor bills from Auditor's office.
None

5. *Approval of minutes from the regular and/or special meetings of the Esmeralda County Board of Commissioners.
No Minutes to approve.

6. *Approval of Treasurer's Report.
No Treasurer's Report.

7. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Transfer \$250,000.00 from the Computer Upgrade account to the Computer fund so bills can be paid for hardware and software agreements coming in so computer fund will not be overdrawn. (Ruth Lee)

Ruth Lee came up and stated that there is money in the fund, we just need to have it transferred. It is in the budget, this just a formality.

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Commissioner Winsor made a motion to transfer \$250,000.00 from the Computer Upgrade account to the Computer Fund to bills can be paid for hardware and software agreements.

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

8. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Sign Tyler contract for new computer program for financial and payroll program in the Auditor/Recorder's office. (Vera Boyer/Ruth Lee)

The D.A. and Ruth didn't see anything out of the ordinary and they also ran it by the independent auditor and ADS and they also approve. Vera stated that Tyler is definitely the way to go. They know Nevada law and will have no issues with working with ADS as well.

Commissioner Keyes made the motion to sign the Tyler contract for new computer program for financial and payroll program in the Auditor/Record's office.

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

9. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Discuss and approve internet service for jail phones to come out of phone budget. (Sheriff Elgan or Sgt. Kirkland)

Sheriff Elgan stated that some discussion was had at the last meeting to have this paid through general telephone. Vera Boyer stated that we have had our long-distance carrier drop us and Frontier costs have doubled so she is recommending that this come out of her commissary or general supplies.

Ken said he would pay this out of commissary until this gets resolved. Ruth stated that the bill is \$70.00 per month.

No decisions made at this time. They will re-address this at a later date.

10. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Approve funding for mandatory certification of librarian in Silver Peak. State where funding will come from. Cost for classes, etc. if \$5,607.94. (Kelly Jo Eagan)

Kelly came up and stated the decision was made at the last meeting that Nicole White could go and get the certification. This is not in the budget. Kelly checked into it and it is not in the budget. She talked to Vera and we can take this out of Miscellaneous/Overhead/Miscellaneous.

Commissioner Keyes made the motion to approve the funding for the mandatory certification for the librarian in Silver Peak and that the funding should come out of Misc./Overhead/Misc. in the amount of \$5,607.94.

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

11. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: Approval of engineering agreement with Shaw Engineering for design, project and construction administration for the addition of a

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standby fixed generator at the Klondike Well Field – with funding from State of Nevada Capital Improvement Project Grant Funds. (Susan Dudley)

Susan came up and stated that we have finished the Goldfield Water Project, Phase one and Phase two and we have remaining funds of \$106,000. She went back to the state and told them that we have numerous power outages that last a long time and we don't have reliable power at all. Power is necessary for the pumps and booster stations. She asked them to consider allowing us to use the \$106,000 to put a fixed generator at the well site and they agreed.

This has to be part of a normal project. Shaw Engineering will handle the project. We think the whole project could be as much as \$169,000. That is the high estimate. The difference would come out of the capital replacement fund. The contingency is \$24,000 and that should cover and additional issues. There really isn't much that can go wrong with this project.

The State of Nevada Administrative Office has given us permission to use the Capital Replacement fund for the monies above the \$106,000.

Commissioner Keyes made a motion to approve the engineering agreement with Shaw Engineering for design, project and construction administration for the addition of a standby fixed generator at the Klondike Well Field with funding from State of Nevada Capital Improvement Project Grant Funds. Commissioner Winsor seconded the motion. All in favor: Motion carried.

Commissioner Keyes made a motion to recess.

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

Back to Order.

12. *FOR POSSIBLE ACTION: DISCUSSION/DECISION: **(TIMED ITEM 11:00 AM)**: Interview candidates for Justice of the Peace to fill vacancy until the first Monday of January following next ensuing biennial election. (Commissioners)

Danielle Johnson:

Danielle was asked the following questions:

1. What do you consider to be the single-most important quality of a judge: She said it would be open-mindedness.
2. Explain your philosophy for sentencing and your views on alternative sentencing. Her philosophy on sentencing is that the law states that on every misdemeanor, depending on the severity of the crime, the law tells you what the sentence is. It usually tells you the minimum and a maximum and the fine. Alternative sentencing, there is not a lot of alternative sentencing with a misdemeanor.

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3. If one counsel had meticulously prepared their case as to the law and facts and the other was obviously unprepared, what would you do? Reference Small Claims: She stated that it really comes down to who proves the case, regardless of whether they look prepared or act prepared or not; If they prove their case, they prove their case.
4. How would you handle a loud, obnoxious person in your court? With patience. I have had to deal with loud, obnoxious people in my office, as well. If they are calling names, for example, she would call a recess and see if they can all be adults.
5. Do you enjoy writing, and does writing come easy to you? She loves writing. She has written her whole life. She like to do research papers. She likes controversial views so she can look at all sides and understand other people's thoughts and views, as well.
6. Under what circumstances would you, as a judge, examine a witness? She stated that that is up to the attorneys. They have the case to put on. That is not the judge's place.
7. What are your technology skills? She is really good with technology. She has done all of the training for her office. She has done a lot of webinars for that office. She has successfully installed their paperless system in that office.
8. What are your views on contempt? There is a law on that. Contempt is a great resource. It is something that give the judge a little bit of leeway as to making someone (for instance, a rowdy person, or someone that doesn't show up to court), it gives the judge another option, instead of just issuing a warrant.
9. What is the role of decision in Justice Court? Decisions are made when objections are made. You have to make a decision on all misdemeanors. For felonies and gross misdemeanors, a decision must be made if there is probable cause to bind them over to the higher court.
10. What qualifications do you think you should be to a judgeship? Someone that is honest, fair, open-minded and one that can listen to the totality of the case before making any judgement. Knowing the letter of the law.
11. Do you know what the NRS is that shows the qualifications of a Justice of the Peace? She read and printed them, but doesn't know the specific numbers.

Mr. Rentschler is supposed to be next, but is not present. LaCinda and Kelly both stated that it was clear that they were all supposed to be here today.

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Linda Skretta was asked the following questions:

1. What do you consider to be the single-most important quality of a judge? She stated it would be having the knowledge, with compassion.
2. Explain your philosophy for sentencing. She said she had never sentenced anyone. After probable cause, sentencing should be according to the law. She said would probably sentence on a lighter term if it is their first offense; see if it fits the crime.
3. If one counsel had meticulously prepared their case as to the law and facts and the other was obviously unprepared, what would you do? She said she would sway to the one who knows what they are doing, but she would also check the NRS to make sure that he is actually what the law says. Commissioner Keyes asked, if this was a civil case, what would she do? She said she would sway to the person who was more prepared. If the other person didn't have the information to make his case she would have to go with the attorney that was prepared.
4. What are your technology skills? She said her skills are the computer that is in the office and nothing further. She said she was trained when she was in the PMCC for all the different phases of the computer but most of them don't get used and most have been upgrade 2001.
5. Do you enjoy writing, and does writing come easy to you? She does a lot of writing in the office. Everything has been done by hand. She said Judge Juanita tells her she always puts too many words in her paperwork.
6. Under what circumstances would you, as a judge, examine a witness? She said she doesn't believe she can examine a witness, other than listen to what they are saying. She doesn't think it is her job to examine the witness, she believes it is the attorney or the D.A.
7. How would you handle a loud, obnoxious person if your court? She said she would first ask them to stop and remind them that they are in court and she would tell them that they would be removed if they continued. Then you can pick up the phone and ask the Sheriff's office to come remove them.
8. What qualifications do you think you should be to a judgeship? She said that she has been in that office for over 6 years. She has tried to learn from Juanita. She knows the bookkeeping. She knows a lot of notices for hearings and arraignments. She does searches for other companies.
9. What is the role of decision in Justice Court? To make sure everyone gets a fair trial.
10. What are your views on contempt? She has never been around contempt so she doesn't really have a view, except what she's seen on TV. She doesn't think the judges make the wrong decision

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when they throw someone out. Contempt can be in so many different forms, but sometimes those programs will make it look like the judge is throwing their weight around too much too.

Kelly stated that she just talked to Greg and, apparently there is some confusion because we didn't send him an email or letter and he thought it was still up in the air.

He wanted to be called. The Commissioners called him. He stated twice that he could not really hear the commissioners. Commissioner Bates stated that she would start the questions.

1. What do you consider to be the single-most important quality of a judge? Greg said that he still could not hear the Commissioners; that it was not going to work.

Commissioner Keyes asked Mr. Rentschler if he was still interested in the position of Justice of the Peace at this time. He said he didn't think so. He said some things that no one could hear and then he said to disregard and take him off the list. Commissioner Bates said he made a comment about her but she didn't hear what he said and she was sorry if she offended anybody. Commissioner Keyes said he didn't hear it either. Commissioner Winsor said he said he wasn't interested anyway, so we'll just take him off the list.

Commissioner Winsor stated that both candidates are qualified and he hates to make a choice but he did make a choice.

Commissioner Bates wanted to thank both candidates for speaking with them. She said they both answered their questions. She does believe, in her opinion, that Mrs. Johnson did provide better, more knowledgeable answers in the questions than Mrs. Skretta. Linda does have knowledge as the Clerk, but in this case one candidate's answers did stand out above the other.

Commissioner Keyes said he thinks we have one candidate who stands out more than the other at this point. He has more one question to ask of Danie. He had a concern at the last meeting. He knows she is well-liked and has a really good position with the ambulance as an EMT. If a point comes in the future where you have to give that up, could you do that? She said that she has already spoken with her coordinator and it has been decided that if she gets this job she will not run during the day. She said she knows that if a case comes where she knows a person from the ambulance who has to come before her she will have to recuse herself from the case and call for another judge.

They asked both candidates if they the willingness and finances to run for election next year and they both said they would.

Commissioner Bates she had a decision and asked Commissioner Winsor and Commissioner Keyes if they had decisions and they both did. Someone in the audience had something to say. Sheriff Elgan came up and stated that the Commissioners needed to read item 13 into the record before they announce their decision. The Commissioners stated that understood that.

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13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION: (TIMED ITEM 11:00 AM):** Appoint Justice of the Peace to fill vacancy until the first Monday following next ensuing biennial election. (Commissioners)

Commissioner Keyes wanted to make a point about the other candidate that didn't show up. He wanted to make sure he was given the opportunity to attend the meeting and evidently, he didn't understand that that was what he needed to do. Commissioner Bates stated that he withdrew. Robert Glennen doesn't see a problem since he withdrew. If he was here and we have on the minutes that they needed to be here we need to make sure about that. It was posted on an agenda item so there is no problem.

Commissioner Bates made the motion to appoint Danielle Johnson to the position of Justice of the Peace to fill vacancy until the first Monday following next ensuing biennial election.

Commissioner Winsor seconded the motion. Kelly stated that she has one problem. She needs the Commissioners to declare her salary.

Commissioner Bates amended her motion to appoint Danielle Johnson as Justice of the Peace to fill vacancy until the first Monday following the next ensuing biennial election, at the rate of pay that is commonly paid to a newly-elected official, according to NRS.

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

Commissioner Bates amended her motion to appoint Danielle Johnson as Justice of the Peace to fill vacancy until the first Monday following the next ensuing biennial election, at the rate of pay that is commonly paid to a newly-elected official, according to NRS. Danielle will start her position on October 3, 2017.

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

14. ***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.

15. ***FOR POSSIBLE ACTION** – Discussion, deliberation and possible decision on labor negotiations, issues and other personnel matters.

None.

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

None.

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17. ***FOR POSSIBLE ACTION** – Discussion, deliberation and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.

None.

18. 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.)

P.K. Higgins came up and wanted to enter a protest. He stated that he was also under the impression that these interviews were happening at 1:00. He spoke with the Greg Rentschler and P.K. said he was also under the impression the interviews were at 1:00.

19. ***ADJOURNMENT:**

Commissioner Keyes made the motion to adjourn.

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