



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, September 16, 2015 at 8:30 a.m.
PLACE OF MEETING: This meeting will be held at the following location:

**Desert Regional Center
1391 S. Jones Blvd.
Las Vegas, NV 89146**

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at NCOE@ethics.nv.gov.

***CLOSED SESSIONS:**

Pursuant to NRS 281A.440 closed session agenda items are not open to the public.

	A. Discussion and consideration of a proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 14-79C regarding Mike Lemich, Commissioner, White Pine County Commission, submitted pursuant to NRS 281A.440(2). This agenda item will not be available to the public.
	B. Discussion and consideration of a proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 15-21C regarding Melody Van Camp, Mayor, City of Ely, submitted pursuant to NRS 281A.440(2). This agenda item will not be available to the public.
	C. Confidential Hearing pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Opinion No. 15-35A, submitted pursuant to NRS 281A.440(1). This agenda item will not be available to the public.
	D. Confidential Hearing pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Opinion No. 15-40A, submitted pursuant to NRS 281A.440(1). This agenda item will not be available to the public.

	E. Confidential Hearing pursuant to NRS 281A.440(7) to reconvene, deliberate and render an advisory opinion regarding Confidential First-Party Request for Opinion No. 15-28A, submitted pursuant to NRS 281A.440(1). This agenda item will not be available to the public.
	F. Consideration of a Jurisdictional Appeal by the Requester of Third-Party Request for Opinion No. 15-26C, submitted pursuant to NAC 281A.405. This agenda item will not be available to the public.
	G. Consideration of a Jurisdictional Appeal by the Subject of Third-Party Request for Opinion No. 15-34C, submitted pursuant to NAC 281A.405. This agenda item will not be available to the public.
	H. Closed Session for discussion and consideration of potential or pending litigation. This agenda item will not be available to the public.

OPEN SESSIONS:

	1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.
	2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	3. Consideration and possible approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 14-79C regarding Mike Lemich, Commissioner, White Pine County Commission, submitted pursuant to NRS 281A.440(2).
For Possible Action	4. Consideration and possible approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 15-21C regarding Melody Van Camp, Mayor, City of Ely, submitted pursuant to NRS 281A.440(2).
For Possible Action	5. Approval of Minutes of the July 15, 2015 Commission Meeting.
For Possible Action	6. Election of Commission Chair and Vice Chair for remainder of Fiscal Year 2015-16, pursuant to NAC 281A.150.
	7. Report by Executive Director on agency status and operations, including: <ul style="list-style-type: none"> • Commission Personnel Policy Manual update. • Education and outreach by the Commission. • Status of official website for Commission. • RFO update and opinion status. • Budget report and other fiscal matters. • Staff and Commissioner training update.
	8. Commissioner Comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.

	9. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
	10. Adjournment.

***A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, The Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Yvonne M. Nevarez-Goodson, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM 3

NEVADA COMMISSION ON ETHICS THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

NOV 24 2014

COMMISSION
ON ETHICS

14-79

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: (Last, First)	Lemich, Mike		TITLE OF PUBLIC OFFICE: (Position: e.g. city manager)	White Pine County Commissioner
PUBLIC ENTITY: (Name of the entity employing this position: e.g. the City of XYZ)	White Pine County			
ADDRESS: (Street number and name)	801 Clark St. Ste. 4	CITY, STATE, ZIP CODE	Ely, NV. 89301	
TELEPHONE:	Work: 775-293-6561	Other: (Home cell) 775-289-2535	E-MAIL:	

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here ☒ if additional pages are attached.

#1 Conflict of interest when county purchased The Ely Times building. His daughter has interest in Desert Mountain Realty, they represented The Ely Times and WP Co. in purchase. Minutes and Ad included.

#2 Conflict of interest in discussion and support of Midway Gold. They are opening mines in WP Co. Lemich owns company contracting with Midway. Minutes, Employee News Letter, and BLM Comment form included.

#3 Construction of WP Co. Aquatics Center. DA BROWN told MR Lemich it was his decision to abstain or not. He owns property adjacent to pool property which could raise property values. He abstained sometimes because of his claim of having donated the property for pool. I believe he had a conflict but also was not totally honest about the donation and future school participation. Minutes (commission, school board) maps, news ad a letter included in packet.

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body? If yes, describe:

In July 2013 I filed on a Recall Petition Against Mike Lemich and John Lampros. They filed a defamation suit against us. Lampros lost under the Anti-SLAPP Law. Lemich lost on 4 counts the other 3 counts are still in front of the

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input checked="" type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input checked="" type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #1)	Lin Burleigh White Pine Co. Clerk		
ADDRESS:	801 Clark St. #4	CITY, STATE, ZIP	Ely NV. 89301
TELEPHONE:	Work: 775-293-6509	Other: (Home, cell)	E-MAIL: wpclerk@mwpower.net
NATURE OF TESTIMONY:	CAN testify as to conflicts of interests		

NAME and TITLE: (Person #2)	Nichole Baldwin Deputy Co. Clerk (currently) WP Co. Clerk (Elect)		
ADDRESS:	801 Clark St. #4	CITY, STATE, ZIP	Ely NV. 89301
TELEPHONE:	Work: 775-293-6509	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:	CAN testify as to conflicts of interest.		

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #) 5		Carol McKenzie Retired W.P.CO. Commissioner elect	
ADDRESS:		CITY, STATE, ZIP	Lund, NV
TELEPHONE:	Work: home 775-238-5384	Other: (Home, cell) 775-296-0404	E-MAIL: comckz@gmail.com
NATURE OF TESTIMONY:	Attends commission meetings regularly. Carol is on many county boards and participates in county business		

NAME and TITLE: (Person #) 6		Donna Bath Former Co. Clerk (W.P.CO.)	
ADDRESS:		CITY, STATE, ZIP	Ely, NV. 89301
TELEPHONE:	Work: Cell 775-296-0283	Other: (Home, cell) 775-289-4624	E-MAIL: dbath@outlook.com
NATURE OF TESTIMONY:	Attends commission meetings regularly		

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #) #3		Tim McGowan (Retired)	
ADDRESS:		CITY, STATE, ZIP	Lund, NV 893
TELEPHONE:	Work: Retired Other: (Home, Cell) 775-238-5372	E-MAIL:	mine_rat@mwpower.net
NATURE OF TESTIMONY:	CAN testify as to the 4 years that Mike Lemich has been a county Commissioner.		

NAME and TITLE: (Person #) 4		James Adams MANAGER OF Ely Jet Center Airplane mechanic	
ADDRESS:		CITY, STATE, ZIP	Ely NV 89301
TELEPHONE:	Work: 775-289-8804 Other: (Home, Cell) 775-289-5576	E-MAIL:	elyav2001@yahoo.com
NATURE OF TESTIMONY:	CAN testify as to the 4 years that Mike Lemich has been a county Commissioner		

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #1)		George Chachas		OWNER Radio Shack/The Greek	
ADDRESS:		570 Aultman St.		CITY, STATE, ZIP	Ely, NV. 89301
TELEPHONE:		Work:	Other: (Home, cell)	E-MAIL:	
		775-289-3570	same		doesn't give out
NATURE OF TESTIMONY:		Attends majority of Commission meetings. usually if he attends he video tapes the meeting.			
NAME and TITLE: (Person #2)					
ADDRESS:				CITY, STATE, ZIP	
TELEPHONE:		Work:	Other: (Home, cell)	E-MAIL:	
NATURE OF TESTIMONY:					

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).

Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) 67 per packet

7. REQUESTER'S INFORMATION:

YOUR NAME:	Cheryl Noriega		
YOUR ADDRESS:	P.O. Box 674 #4 AVE H	CITY, STATE, ZIP:	McGill, NV. 89318
YOUR TELEPHONE:	Day: 775-235-7576 Evening: same	E-MAIL:	cheryl-noriega@yahoo.com

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.

Signature: Cheryl Noriega

Date: November 18, 2014

Print Name: Cheryl Noriega

You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703



Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

Violation #1

The Fly Times Building OR Battle Born Media Building was purchased by White Pine County to be Remodeled and then used as an Administrative Office Building. It will be used to house the offices of the White Pine Co. Assessor, Economic Development, White Pine Co. Commission, and Public Health Nurse.

These offices needed to be moved because of the deplorable condition of the building they have been occupying for years.

In the process of the purchase Battle Born Media was represented by Desert Mountain Realty who also represented White Pine County.

Commissioner Mike Lemich's daughter, Sonja Almberg is a Sales-Associate with Desert Mountain Realty. Her sister-in-law, Kenna Almberg is the owner/Broker, and her mother-in-law Vivian Almberg is a Broker/Sales Associate.

Commissioner Lemich discussed and voted on this purchase which I

(2)

understand could be a conflict of interest for him. I have included minutes of Commission meetings and an add from the Fly Times, the local paper, showing the ownership and associates at Desert Mountain Realty.

Submitted by
Cheryl Noriega

Also included is an e-mail from the WPCo. Clerk Lin Burleigh and Linda Cottrell from the Fly Times.

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JANUARY 9, 2013 IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Michael Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Nichole Baldwin, Acting Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Kathy Ricci, Human Resources Director
Lori Romero, Library/Sr. Center Dir.
Bill Calderwood, Facility Maint. Suptd't.
Patrice Lytle, Commission Dept. Mgr.
Bill Miller, Road Maint. Superintend't
Kirsty Pickering, Assistant D.A.
Elizabeth Frances, Finance Director
Bunny Hill, Social Services Director
Jim Derrick, Acting WPC Fire District Chief
Dan Watts, WPC Sheriff

Also Present

Ron Miller
Donna Bath
Lukas Eggen, Ely Times
Ross Rivera, Ely City Fire Chief
James Adams, Ely Jet Center
Ken Heinbaugh, Airport Advisory Board Chairman
Robert Walker
Steve Stork

Chairman John Lampros called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

There was none at this time.

At 9:02 a.m., Chairman John Lampros recessed the regular Commission meeting and opened the Fire Commission meeting. At 9:10 a.m., Chairman Lampros adjourned the Fire Commission meeting and opened the Road Commission meeting. At 9:13 a.m., Chairman John Lampros adjourned the Road Commission meeting and opened the Liquor Board meeting. At 9:14 a.m., Chairman John Lampros adjourned the Liquor Board meeting and reconvened the regular Commission meeting.

ASSESSOR:

DISCUSSION/ACTION/POSSIBLE APPROVAL OF SPECIAL ASSESSMENT FOR: STEPTOE GROUNDWATER BASIN, LAKE VALLEY GROUNDWATER BASIN, AND HUMBOLDT RIVER

Commission Dept. Manager Patrice Lytle advised this is an annual assessment and the same request is made every year for these. Following brief discussion, Chairman John Lampros entertained a motion to approve the assessments as requested. Commissioner Richard Howe made a motion to approve the special assessment for Steptoe, Lake Valley, and Humboldt River groundwater basins as requested. Commissioner Laurie Carson seconded. Motion carried.

receiving more money than an extra day off. Commissioner Mike Coster asked if it might be possible to allow a broader span of days when considering the day off, such as any day of the week during the 2-week pay period, rather than being set on the "day before or the day after" a holiday. Director Frances noted that might be one possibility that may be considered. Commissioner Mike Lemich agreed with Commissioner Coster regarding some County functions such as snow removal that must need to go forward, but if they could have a day off at their convenience it would be more appropriate. He felt it could be worked into their schedule, as long as it's approved by their supervisor. Director Frances recommended the Board give the employees the day off "because that's what they've lost." She added that the Union contract does state the day before or after a holiday. Chairman John Lampros entertained a motion to approve this. Commissioner Mike Lemich made a motion to accept Director Frances' suggestion as to the days off be taken for vacation. Commissioner Laurie Carson seconded. Motion carried. Road Maintenance Superintendent Bill Miller wished to clarify it could be either the day before or after, but at the discretion of the Department Head, so they don't have to shut down their operations; this was confirmed by both Director Frances and the Board. Director Frances emphasized this applies only to the employees listed in the information packet, because the other County employees got their proper time off.

DISCUSSION/ACTION/UPDATE FROM BUILDING COMMITTEE RE: THEIR JANUARY 7, 2013 MEETING

Finance Director Elizabeth Frances noted that the Building Subcommittee discussed the conceptual plan for the new Public Safety Building; it was felt if a professional could assist us through the design phase, we would have a more thorough evaluation of our options. Negotiations are ongoing for the Ely Times property; at this point the County has made a counteroffer and we are anticipating a reply on January 10th. She continued that another Building Subcommittee meeting will be held this afternoon, including walkthroughs of the Ely Times and current Public Safety Building with Mr. Terry Melby. Director Frances continued through the memo she had provided to the Board, and concluded by reading the Building Subcommittee's recommendations: (1) The County should prepare an RFP for conceptual plan services for the new Public Safety Building and get it advertised so the project can move forward in an effective manner. (2) Part of the counteroffer from Battle Born Media on the Ely Times property was that they would have the option of renting the building after close of escrow, for up to 30 days at a cost of \$1,500 per month. That money should be earmarked to Capital (Improvement) Projects instead of the General Fund, so it can be used to defray costs of the Facilities Upgrade project. Chairman John Lampros advised that while we want to do the RFP, it should be kept simple, just have the people come in and talk with us. Chairman Lampros entertained a motion to accept the Building Subcommittee's recommendations; Director Frances noted today's agenda item was intended just for discussion and update. She will have the item placed on the next Commission meeting for action.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF RECOMMENDATIONS FROM BUILDING COMMITTEE PRESENTED AT THE 12/19/12 COMMISSION MEETING

Director Frances noted that although these were presented at the December 19th Commission meeting, it's on today's agenda for action. Assistant D.A. Kirsty Pickering noted that everyone could make a proper vote on this today, without the necessity of abstentions. Commissioner Laurie Carson made a motion to approve the recommendations from the Building Committee as presented at the 12/19/12 Commission meeting. Commissioner Mike Lemich seconded. During the discussion, Commissioner Mike Lemich asked how obligated the County is in our discussions of offers, counter offers, etc. with respect to the Battle Born Media people. He continued that we are trying to recover some debt right now and if this would raise any issues, just how obligated are we, without Commission action to purchase the property? Director Frances explained it would be contingent upon approval of the governing body, which is this

Board. She pointed out that during the December 19th meeting there was an action item to allow us to go forward. Commissioner Laurie Carson advised that the Board had approved we could go up to the \$375,000, and advised it's in those minutes. Director Frances added that when the initial agreement was done to enter into negotiations, it was reviewed by the District Attorney prior to her taking it back. Chairman John Lampros pulled the motion and the second back onto the floor for the vote. Commissioner Mike Coster stated he has reservations on the whole building project being done "on a piecemeal basis," and that other options weren't adequately considered, in his opinion. Commissioner Carson advised that further discussion will be held with Commissioner Coster to bring him up to date with the Master Plan; Commissioner Coster responded he looked forward to that. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF PRESS RELEASE ON FACILITIES UPGRADE PROJECT

Director Frances advised this is subject to Commission approval, before it is released for publication in the Ely Times. She explained this is an overview of what the County hopes to accomplish; she emphasized that no specific places or purchases are mentioned, this is just a summary for the public's information. Commissioner Laurie Carson complemented Director Frances on doing a concise job so far; this Press Release is cohesive and easy reading. She added that once we have specifics in place, we can talk about the project in more detail. Chairman John Lampros entertained a motion to approve the Press Release as requested. Commissioner Mike Coster made a motion to approve the Press Release on the Facilities Upgrade Project as requested. Commissioner Mike Lemich seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO OBTAIN APPRAISAL SERVICES FOR ELY TIMES BUILDING IN ORDER TO COMPLY WITH NRS 244.275 IN AMOUNT NOT TO EXCEED \$4,000

Chairman John Lampros explained that this is required whenever a government entity makes a purchase from a private entity. Commissioner Laurie Carson made a motion to approve obtaining appraisal services for the Ely Times Building in order to comply with NRS244.275 in an amount not to exceed \$4,000. Commissioner Richard Howe seconded. Commissioner Mike Lemich felt that the appraisal should be done once the decision is made to purchase the building. Following brief discussion, Commissioners Carson and Howe withdrew their motion and second, respectively. Chairman John Lampros advised this should be placed on the next agenda. Assistant D.A. Pickering stated that it's important to specify in the language that the counteroffer be made contingent upon being within a specific price range. Commissioner Coster asked what if we were to approve this only if the counteroffer was accepted? He didn't feel we should spend money on an appraisal if we wouldn't be purchasing the property. Chairman Lampros felt a special meeting could be held if necessary to discuss how we stand on that. Commissioners Carson and Howe withdrew their motion and second, respectively. This item will be tabled to the next meeting, or earlier if a special meeting is deemed appropriate.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO WITHDRAW OFFER TO PURCHASE AULTMAN STREET PROPERTY (APN 001-171-05, 001-171-06, AND 001-171-07) FROM MARY S. LEE

Commissioner Laurie Carson made a motion to approve withdrawing our offer to purchase the Aultman Street property from Mary S. Lee as requested. Commissioner Mike Coster seconded. Motion carried.

IN A SPECIAL MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON APRIL 11, 2013
IN THE COMMISSION MEETING ROOM OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
**Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Susan Lujan, Acting Clerk of the Board

The Following Was Absent:

*Linda Burleigh, Clerk of the Board

County Officials

Kelly Brown, District Attorney
Jim Garza, CED Office Director
Bunny Hill, Social Services Director
Bill Miller, Road Maint. Superintendent
Steve Stork, Airport Manager
Patrice Lytle, Commission Dept. Manager
Elizabeth Frances, Finance Director
Bill Calderwood, Facility Maint. Superintendent

Also Present

Linda Davies
George Chachas
Lukas Eggen

*WPC Clerk Linda Burleigh was unable to attend today's meeting.

** Commissioner Laurie Carson arrived at the meeting at 2:10 p.m.

Chairman John Lampros called the meeting to order at 2:00 p.m. and led the Pledge of Allegiance. He advised we will be tabling the 3:00 p.m. item, which is the Fire Commission meeting.

PUBLIC COMMENT

Mr. George Chachas stated that all public meetings should be coordinated so the public can attend. He films the meetings for the citizens of the community, and it's difficult when there are three back-to-back meetings on one day. Chairman John Lampros advised we are scheduled by law, and today's meeting is a special meeting. Mr. Chachas continued that the swimming pool size is too massive, too expensive, and at \$2,000/day he felt we need to readdress this. If the economy suffers, he stated we'd have to lock the doors. Next, he attends the RTC meetings and he's been asking for information for over a year, and has not gotten a response. He cited we need accountability and should replace the RTC membership. He also talked about consideration of property in town where there was a fire and there are no structures on there, he felt the County should put their funds into rebuilding the area and not buy the Ely Times building for \$385,000 and then have to spend \$200,000 more to modify it. He noted there's a town hall

meeting on this scheduled for this evening; has the Board already made up their minds, and if so why bother having a town hall meeting to discuss it?

DISCUSSION/ACTION/POSSIBLE APPROVAL OF FINAL ADJUSTMENTS TO BALANCE THE FY2013 TENTATIVE BUDGET

Finance Director Elizabeth Frances advised there is a typo in the agenda item title, it should read FY2014 instead. She noted this is a holdover from yesterday's Commission meeting, and with the massive amount of cuts that are being made this agenda item should be dropped. The Board concurred.

DISCUSSION/UPDATE FROM THE BUILDING COMMITTEE REGARDING THEIR APRIL 2ND MEETING

Director Frances advised that during their April 2nd Building Committee meeting, the group was apprised on how the reports on the appraisal and building inspections were done. The board discussed these, and were pleased with the results. The committee prepared a complete program of the items that were covered, for tonight's Town Hall presentation: They will provide a history of what the County is doing, and where we are going, with emphasis to be made on how the Ely Times building is just the first step as to what is being planned. She added there's lots of misinformation going around the community, and these things are going to be presented in order to clear that up. She continued that Mr. Eric Roberts, of SH Architecture, will also be giving a presentation on the WPC Aquatic Center this evening. She concluded by noting the Building Committee isn't making a recommendation at this point in time, just providing the information for tonight's Town Hall meeting. She also advised Ms. Karen Rajala will be the moderator.

DISCUSSION/UPDATE ON THE RESULTS OF THE APPRAISAL AND BUILDING INSPECTIONS FOR THE ELY TIMES BUILDING

Director Frances advised the appraisal on the Ely Times building has been completed; Facility Maintenance Superintendent Bill Calderwood will go through the inspection report. She explained that the County's offer was for \$385,000, the market value was \$390,000 and the actual value came back through the appraisal as being \$400,000. There were no questions on the appraisal.

Superintendent Calderwood presented highlights of the inspection report; the reason for the inspection was to gather information to assist the County with determining the building's suitability for future needs. The ADA requirements are already met overall, with minor exceptions which he detailed for the Board. Next, it was noted that the exterior insulation finishing system (EIFS) has become worn, and this may be addressed by applying some epoxy, etc. Commissioner Laurie Carson asked if there are just basically maintenance fixes, and no major problems; Superintendent Calderwood agreed. He noted the EIFS problem was also occurring at the Library, but Maintenance has already taken care of that. Commissioner Mike Coster noted the EIFS poor condition was due to long-deferred maintenance, and while patching was done on the Ely Times building it was done in the wrong color. He added that while it's not a structural problem, it does affect the exterior finish of the building.

Superintendent Calderwood then focused on the interior concerns: There are 4 rooms that were recognized as having problems. One room had a fire hazard, with insulation sitting on top of the lighting fixtures; there is a water stain located directly below a roof vent, and it is unknown if the roof is still leaking or if it was caused by another source; and there are water stains on the ceilings in other areas. He felt these are problems that occurred during some modifications that were done to the building, but the inspection report didn't reveal the cause of the water stains. It was important to note that the structural framing doesn't need any changes to meet the current code requirements; he felt only minor adjustments would be necessary. The building appears on the whole to be in good condition, and it performs as it was designed to do regarding lateral loads. Under plumbing/seismic bracing, Superintendent Calderwood advised that the piping system can be modified to accommodate remodeling as long as the water needs aren't substantially increased. Therefore, adding one bathroom with a couple of sinks would be acceptable, he felt. The HVAC system was reviewed with respect to the 5 zones already in place in the building: The HVAC in the warehouse area isn't operable. While that is true, he advised we could still use the working unit for 3-5 more years. Individual ductwork will need to be done for each of the office areas, as part of the HVAC system. Chairman John Lampros advised that since we're buying a used building that wasn't maintained regularly, we will need to check annually to see what needs to be replaced; Superintendent Calderwood agreed this is normal procedure. Commissioner Mike Lemich asked if we can put as many people into the Ely Times building as we have over in the Annex? There followed a brief discussion, after which Superintendent Calderwood continued with the inspection report findings. The electrical wiring isn't adequate from the main distribution panel to the sub panels, so new wire needs to be pulled throughout. Also, there are some breakers that will need to be brought up to code. He did note there's lots of room in the conduit boxes for additional circuits. There is also some T-5 cable already in there for the interior offices, so they won't have to open up the walls and install the cables in there. In reply to Commissioner Mike Lemich's query, Superintendent Calderwood doesn't have any cost estimates for these at this point in time. He continued that regarding the asbestos report, there were 17 areas sampled in the Ely Times building and they came back negative. However, if we do some additional work in an area that wasn't sampled, it was recommend we do have samples taken. Mold/air samples were taken, and it was found the air outside the building contained more spores than inside. Superintendent Calderwood asked District Attorney Kelly Brown if he'd had the opportunity to look at the environmental site assessment; D.A. Brown had, and advised he didn't find any problems there.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO CLOSE ESCROW ON THE OFFICE BUILDING LOCATED AT 297 EAST 11TH STREET, ELY, NEVADA (ELY TIMES BUILDING) FOR A TOTAL PURCHASE PRICE OF \$385,000

Director Frances advised that the Board has heard the summaries of the reports, and that this is a building well suited to the needs of the County. It's structurally sound with some minor issues, which will be addressed during the remodeling process. Regarding the remodeling costs, WPC Building Inspector Chris Flannery felt the cost would run from \$35-45/square foot, being translated to \$110.00/square foot for the finished product, which was noted to be an excellent price for government office space. He felt this is a great opportunity to get this for the County, at this price. Getting the offices

out of the Annex, into the Ely Times building, and then demolishing the old Annex, would be the next steps. Director Frances noted that escrow must be closed by April 23rd, or the County will be in default. Commissioner Richard Howe cited the presentation on the Plaza Hotel properties from Mr. Thomas Bath, and while it was a good proposal it was too late. He felt the option to purchase this would be the correct thing to do, as we need the office space now and it's a good price. Commissioner Richard Howe made a motion to close escrow on the Ely Times building, located at 297 East 11th Street, Ely, Nevada, for a total purchase price of \$385,000. Commissioner Laurie Carson seconded.

During the discussion, Commissioner Mike Coster advised he will vote against this, because the building wasn't significantly in as good shape as was initially thought. He proceeded to list several items of concern, several of which would affect the building's major systems. It is unknown what the seller's level of responsibility might be in this, and we've not asked for any consideration from them in possible adjustments of price. He pointed out that the appraisal was done April 15th, but the engineering work was completed on March 31st, so the appraiser didn't have the benefit of the engineering report. Therefore some assumptions were made about the condition of the building, when settling on a price. He would recommend pricing the changes to be made, talk to the seller about possible adjustments, and consider not closing escrow. Commissioner Mike Lemich advised he kind of agrees with Commissioner Coster because we don't know what it will cost for reconstruction, and if it's found to be extreme it could be unaffordable for us. He would also hope the appraiser will have the opportunity to review these issues brought forward in the inspection report. He advised that he is also anxious to get out of the Annex, and going to the Ely Times would serve our purposes, at least temporarily; he feels it will work, but those issues brought up need to be addressed. Commissioner Lemich also felt there's not enough public input on this. Commissioner Coster added that the \$210,000 would be added to the \$385,000 price which was figured at the lower cost of \$35.00/sq ft, so this would actually be a \$600,000+ building; Director Frances agreed with that, but still maintained it's an excellent price for a government office building. To clarify some questions from the Board, she advised it was never the intent to resell the Ely Times building, even not to recoup costs through the sale. The intent was to keep it for office space that would remain there, even after a County Administration building complex is built. Commissioner Coster felt it's in the wrong location for a County office; he also cited fewer parking spaces, etc. and the operation costs are still unknown. Director Frances reiterated the long-term plan, in that the constitutional offices will be together and in one area. This will decrease travel between the offices, and for those offices that handle cash their trips would be minimized. Commissioner Mike Lemich stated he will support this because he knows what the Annex employees went through last winter.

District Attorney Kelly Brown advised that at this point the Commission can vote to close escrow, or not. We have 21 days from acceptance of our offer to make that determination; if we don't, then we would lose the earnest money deposit as well as the money spent on doing the tests on the property. Director Frances noted that the County was authorized an extension of 21 days for this.

Mr. Steve Stork--speaking as a citizen and taxpayer--feels this isn't proper due diligence. He added this is a "replay of the big red building out on the highway," and this isn't a proper way to conduct the people's business. We should have the answers on how we are spending the people's money before we spend it.

Chairman John Lampros asked no one in particular if it was too late to cancel the Public Hearing tonight? He continued that no one wants to progress, so we don't need it. If we're in default, then we're in default. He apologized to Director Frances.

Social Services Director Bunny Hill advised that, as a Department Head who has spent the past winter in this building, in fact for the past 13 years, she gave a scenario of having to wear heavy winter gear in her office during the day just to keep warm. The heat is on, but her windows are covered with ice! The maximum temperature during the day is 40 degrees, and neither the computers nor the employees can work under those conditions. They can't use electric heaters under their desks because they'd blow the circuits. She added that everyone in the Annex has worked in awful conditions for years, hoping the Commission would do something. She urged the Board to proceed and get everyone out of the Annex.

Commissioner Laurie Carson appreciated Director Hill's comments, noting that she was speaking for others in the building as well. Commission Dept. Manager Patrice Lytle has been here for just 2 years, and she has noticed that one side of the building is 30-40 degrees while the other side's offices are 90-100 degrees, and no one can do anything about it. She stated that those are dollars being spent. Airport Manager Steve Stork agreed with his colleagues, that the employees need to be moved out. He stated, however, that proper due diligence needs to be done when spending the taxpayers' money. Working with an unknown equation is absurd, and he felt it would be proper if we delay decisions until proper assumptions can be made.

Commissioner Richard Howe advised that he's heard everyone's opinions on this, that we have to move out of this building to build another building, and as it will take awhile to demolish the Annex, either rent would have to be paid or a building would need to be purchased. We have a facility we can move into, he pointed out, that's adequate for our employees. Commissioner Howe reiterated his motion that we close escrow on the office building located at 297 East 11th Street, Ely, Nevada (Ely Times building) for a total purchase price of \$385,000. Commissioner Laurie Carson reiterated her second. Commissioner Mike Lemich stated that we don't have a plan, and that's the issue; if we go elsewhere, this will destroy Ely! Let's make a motion that we build another facility right here. He was advised this would have to go on another agenda.

Ms. Linda Davies asked the Board why they are making a decision right now, before they listen at the Town Hall meeting? She is a taxpayer, and she feels the people of White Pine County want to know "what you clowns are up to" before you make a decision. They should let the people know what's going on, and what they're doing. She stated that the Board is going in with a decision already made, and that's wrong.

Chairman John Lampros felt that was rude, calling us clowns, and that we're doing our best. He stated he won't be there tonight, at the Town Hall meeting. He's been trying to get this building (the Annex) torn down for 40 years and always the same situation came up, that no one wants to do anything. He cited that his family has always worked hard for, and contributed to, this community. He's tired of fighting this community to try and advance. He continued that we finally got the money to do the pool, and what happens? Now it's too big, in the wrong place, it costs too much! In his opinion, not one citizen came to the special public meeting that was held one evening for that.

Director Hill advised that the Town Hall meeting tonight is to inform the public about what the County is doing and how we are moving forward with the needs of the County, and to answer questions, so the rumors on the street STOP. The public will know the actual business the County is doing, so they will know the truth. Chairman Lampros called for a table vote on the motion made earlier. Motion carried 4:1, with Commissioner Mike Coster voting in opposition.

FIRE COMMISSION

It was reiterated that the Fire Commission meeting was tabled at this time.

PUBLIC COMMENT

There was none.

ADJOURNMENT

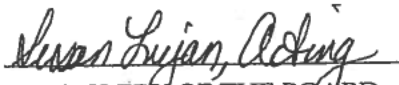
Chairman John Lampros entertained a motion to adjourn the meeting at 3:12 p.m. Commissioner Richard Howe made the motion; Commissioner Laurie Carson seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF WHITE PINE
STATE OF NEVADA

BY:


CHAIRMAN

ATTEST:


WPC CLERK OF THE BOARD

DESERT MOUNTAIN REALTY



925 Ave. L

it location in East Ely for this 3 bedroom, 1 3/4 home w/ two additional bonus rooms that can be used as bedrooms. Home has been beautifully maintained. 2 car detached garage and covered patio. \$219,000.00.



1033 Ave. H

PRICE REDUCED!

room, 1 3/4 bath East Ely home. Living room with built-in cabinets, hardwood flooring, kitchen/dinette, breakfast bar, tile countertops. Master bedroom w/ sky lite and sitting area. 2 car detached garage. \$179,500.00.

DESERT MOUNTAIN REALTY



21 Reno Rd

DRASTICALLY REDUCED!

4 bedroom, 1 bath Terrace home. New carpet and vinyl flooring, original hardwood floors in 2 bedrooms. Finished basement has 4th bedroom, family room and open area. Mature landscaping and covered front deck. ONLY \$85,000.00.

DESERT MOUNTAIN REALTY, INC.

Kenna Almborg ~ Owner/Broker

kenna@desertmountainrealty.com

Vivian Almborg ~ Broker/Sales Assoc.

vivian@desertmountainrealty.com

Sonja Almborg ~ Sales-Associate

sonja@desertmountainrealty.com

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Cheryl Norlega

From: "White Pine County Clerk" <wpclerk@mwpower.net>
To: <grama-n@mwpower.net>
Sent: Wednesday, August 28, 2013 12:59 PM
Subject: FW: just wondering

Lin Burleigh
White Pine County Clerk
801 Clark Street #4
Ely, Nevada 89301
775-293-6509
775-289-2544 Fax
wpclerk@mwpower.net

-----Original Message-----

From: Linda Cottrell [mailto:elytimes.linda@gmail.com]
Sent: Wednesday, August 28, 2013 8:36 AM
To: White Pine County Clerk
Subject: Re: just wondering

Lin: It was Desert Mountain.

Linda

On 8/27/13, White Pine County Clerk <wpclerk@mwpower.net> wrote:

> Hi Linda,
>
> Can you tell me who (real estate company) represented the Times and
> the County in the sale/purchase of your building?
>
> Thanks,
>
>
>
> Lin Burleigh
>
> White Pine County Clerk
>
> 801 Clark Street #4
>
> Ely, Nevada 89301
>
> 775-293-6509
>
> 775-289-2544 Fax
>
> wpclerk@mwpower.net
>
>
>
>

Violation #2

Commissioner Mike Lemich owns Country Construction Co. and his son-in-law, Jon Almberg runs the company for him. Country Construction is contracting with Midway Gold, a company that is opening 2 mines in White Pine Co. They are going through the BLM process including EIS and public comment.

During Public Comment at the end of the commission meeting on March 27, 2013 MR. Lemich disclosed his association with Midway Gold. He then began to push support and County Representation at a public hearing for their Pan Project. DA. Kelly Brown advised him that he could not make a public disclosure and then continue to make recommendations (see minutes March 27, 2013 page 14). At the April 10, 2013 Commission meeting they approved sending letters in support of mining in WP Co. The EIS for Midway Gold was specifically mentioned. MR Lemich voted on

(2)

this item (see minutes April 10, 2013 pg. 4). Later in the same meeting another agenda item specific to Support Midway Gold Pan Project. Mr. Lemich seconded the motion and voted (pg. 12).

In a townhall meeting April 11, 2013 comments were made by WARREN Krich about Midway. Mr. Lemich commented on Krich's comment and added that comment forms were available on the table by the door. They need to be turned in to the BLM by May 6, 2013 (pg. 13)

In one paycheck envelope in May 2013 there was a Employee Newsletter dated May 2013. It contained a paragraph about the BLM comment sheet for the Midway Gold Pan Mine Project, encouraging employees to fill out the form and return to BLM (copies of newsletter and comment sheet are included in this packet).

On April 23, 2014 there was an agenda item regarding BLM EIS

(3)

public comment for the Gold Rock Mine Project. PLUAC was asking the Commission to comment. (pg 7) Mr Lemich abstained noting his personal interest in the project.

On July 9th, 2014 there was an Agenda item Regarding BLM Socioeconomic issues related to the Gold Rock Project. The issues had to be clarified for Commissioner Lemich. Road Supervisor Bill Miller is reviewing the EIS and invited Lemich to also review them. A vote was taken which Lemich opposed. (pg. 6) During Public Comment of the same meeting (pg. 11) Mr Lemich made comments on the Gold Rock Mine Agenda item.

Does he have a conflict? Depends on Day and perhaps weather. Should he vote or not and comment?

Submitted by
Cheryl Noriega

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON MARCH 27, 2013 IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
*Mike Lemich, Commissioner
Linda Burleigh, Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Lori Romero, Library/Sr. Center Director
Jim Garza, CED Office Director
Kathy Ricci, Human Resources Director
Patrice Lytle, Commission Dept. Manager
Elizabeth Frances, Finance Director
Steve Stork, Airport Manager
Seth Urbanowitz, Cooperative Ext. Educator
Pete Mangum, 4-H Program Coordinator
Ray Sawyer, Lt., WPC Sheriff's Dept.
Kelly Brown, District Attorney
Bunny Hill, Social Services Director
Bill Calderwood, Facility Maint. Superintd't.
Bill Miller, Road Maint. Superintendent
Chris Flannery, WPC Building Inspector
Bob Bishop, WPC Assessor

Also Present

Donna Bath
Dan Nelson, Soil Conservation District
Carol & Rod McKenzie
Lukas Eggen, Ely Times
Dave Provost, Mountain High Surveying
Chris Hanefeld, BLM
James Adams, Ely Jet Center
Peggy Halleberg, Ely Jet Center/FBO
Ken Brown, Western Counties Alliance
Cody Howick, Sunrise Engineering
Jill Moore, BLM
Chad Atkinson, Hinton-Burdick (By Telephone)

*Commissioner Mike Lemich was late to arrive at the meeting.

Chairman John Lampros called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

There was none.

DISCUSSION/PRELIMINARY BUDGET HEARINGS FY2014 WPC BUDGET, DIRECTION TO FINANCE DEPT. TO BALANCE TENTATIVE BUDGET FOR THE DEPTS. AND FUNDS ON THE ATTACHED LISTING

Finance Director Elizabeth Frances began today's budget discussions with the Ancillary Services.

Ancillary Services

Library

Finance Director Elizabeth Frances noted this budget had some equipment requests and minor changes. Library/Sr. Center Director Lori Romero noted her increase in Postage and Supplies. There are also 6 computers and a new color printer for staff being requested; she advised her office normally receives "hand-me-down" computers, and added that it's easier to get newer computers for the public than for her department. Chairman John Lampros asked if, since all departments are requesting printers, we

March 27, 2013

was some discussion of the motion language, after which it was noted the motion didn't include retroactivity. Director Ricci explained the November date is a recommendation, since that's when the Deputy Assessor received her certification. Commissioner Mike Coster made a motion to approve the advanced step placement for Deputy Assessor, Grade 123 Step X, to Appraiser II, Grade 126 Step X, effective the date the Commission passes it and not retroactively. Commissioner Laurie Carson seconded the motion. Following discussion, a table vote was taken: Motion carried 3:2, with Commissioners Richard Howe and Mike Lemich voting in opposition. It was clarified this would be effective on today's date.

DISCUSSION/POSSIBLE ACTION TO DETERMINE WHETHER CAMPING WILL BE ALLOWED AT THE AIRPORT

Commissioner Laurie Carson requested to table this agenda item to the next meeting since Airport Manager Steve Stork was unable to provide the information being requested today. Commissioner Carson made a motion to table this agenda item; Commissioner Mike Coster seconded. Motion carried.

PUBLIC COMMENT

Human Resources Director Kathy Ricci advised that on April 3rd the Courthouse, Library and Annex will be without power from 1-6 PM. Although the public will have limited access to our services, she noted the County offices still have to be kept open. Finance Director Elizabeth Frances has advised that employees can take vacation or comp time if they choose to take time off on that day; it will be left to the discretion of the Dept. Head. The power is being turned off with respect to work being done on the new substation located on Campton Street. Commission Dept. Manager Patrice Lytle added that April 3rd is also the day the materials for the next agenda will be due in her office, and she will be open to accept those.

Commissioner Mike Lemich wished to disclose his association with Midway Gold; he emphasized there will be a hearing in connection with their Pan Project. The past Commission has taken action to support that, and he felt it would be appropriate to have a representative there. D.A. Brown advised that when someone makes a public disclosure, they shouldn't also make recommendations. Ms. Jill Moore, BLM's Egan District Field Manager, clarified that the BLM is also having public meetings for the Midway Gold Pan Project, to be held on April 9th. She will bring the information to this Board in a couple of days. It was noted that Ms. Moore has replaced Mr. Gary Medlin; the Board welcomed her.

ADJOURNMENT

Chairman John Lampros entertained a motion to adjourn the meeting at 12:25 p.m. Commissioner Richard Howe made the motion; Commissioner Laurie Carson seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF WHITE PINE
STATE OF NEVADA

ATTEST:

BY:


CHAIRMAN


WPC CLERK OF THE BOARD

March 27, 2013

14

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON APRIL 10, 2013, IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Susan Lujan, Acting Clerk of the Board

County Officials

Kelly Brown, District Attorney
Bill Calderwood, Facility Maint. Superintendent
Elaine Blackham, Sr. Management Assistant
Patrice Lytle, Commission Dept. Manager
Elizabeth Frances, Finance Director
Lori Romero, Library/Sr. Center Director
Jim Derrick, Acting WPC Fire Chief
Bill Miller, Road Maint. Superintendent
Bunny Hill, Social Services Director
Steve Stork, Airport Manager
Pete Mangum, 4-H Coordinator
Seth Urbanowitz, UNR-Coop Ext. Educator

Also Present

Ron Miller
Maxine Lantz, Victim & Witness Services
Nathan Robertson, Day Engineering
Donna Bath
Janette Trask, Ely City Treasurer
Lukas Eggen, Ely Times
Brenda Alexander, The Zoo
Doris Metcalf, BLM
Scott Husbands, Law Firm
Marc Johnson, President of UNR
Demar Dahl
Rowdy Olds

Chairman John Lampros called the meeting to order at 8:04 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Ms. Brenda Alexander, The Zoo, approached the Board and advised theirs is a non-profit, no-kill animal welfare organization that has been in the community for over 8 years. She reported 300+ dogs and cats have been spayed and neutered, and they've never euthanized an animal unless they were very ill. She is requesting to be placed on a Commission agenda to discuss a serious problem in our community. Per recommendation from Chairman John Lampros, she had met with the District Attorney to discuss a law on the City books that's not being enforced, which is a mandatory spay/neuter program for animals that are adopted by the City Pound. It should be included in the City/County interlocal agreement that this law be upheld. She advised that The Zoo pays for animals to be vaccinated, spayed/neutered that are adopted from the Pound. She felt that the Animal Control issue had been tossed into the interlocal agreement "as if it was a nuisance." Ms. Alexander continued that in 2012, 250 animals were euthanized by the City Pound; this was a waste, as many of those animals that could have been adopted were destroyed. She is asking the County for help; she had requested assistance from the City but they were reluctant. She stated that the plight of animals in this community needs to be taken seriously.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO ASSIGN INDIVIDUALS TO MONITOR AND REPRESENT TO THE LEGISLATURE IN PERSON AND THROUGH WRITTEN COMMUNICATION WPC'S OPPOSITION TO SJR 15, WHICH REPEALS THE TAXATION OF MINES AS IT CURRENTLY EXISTS WITHIN THE NEVADA CONSTITUTION AND REPRESENT ON BEHALF OF WPC ALTERNATIVES TO SB400 AND SB401 WHICH REVISE HOW THE TAXATION ON MINES IS ASSESSED AND DISTRIBUTED

Chairman John Lampros noted that Commissioner Laurie Carson has been in contact with everyone involved with these kinds of issues, and he felt the Board should appoint her. Commissioner Carson wished to clarify that she would need to travel and give testimony for this, if she is appointed as our representative. Commissioner Mike Coster made a motion to designate Commissioner Laurie Carson to monitor and represent to the Legislature in person and through written communication the County's opposition to SJR15, which repeals the taxation of mines as it currently exists within the Nevada Constitution and represent on behalf of WPC alternatives to SB400 and SB401 which revise how the taxation on mines is assessed and distributed. Commissioner Mike Lemich seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF LETTERS OF SUPPORT RE: MINING PROJECTS IN WHITE PINE COUNTY

Chairman John Lampros advised that letters of support have already been sent, specifically to Midway Gold, and this has always been done in the past. It was noted that the mine's EIS for the Midway Gold Pan Project has been published on the BLM's website for public comment. Chairman John Lampros entertained a motion to approve letters of support. Commissioner Laurie Carson made a motion to approve the letters of support being sent regarding mining projects in White Pine County as requested. Commissioner Richard Howe seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF THE GUARANTEED MAXIMUM PRICE FOR THE WHITE PINE COUNTY AQUATIC CENTER

This item was tabled.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO DIRECT CORE CONSTRUCTION TO BEGIN CONSTRUCTION OF THE WHITE PINE COUNTY AQUATIC CENTER

This item was tabled.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO APPOINT RUSSELL PEACOCK, WPC EMERGENCY MANAGEMENT DIRECTOR, AS THE WPC REPRESENTATIVE ON THE NEVADA HOMELAND SECURITY WORKING GROUP (HSWG)

Commissioner Mike Coster noted we have been approached twice by different groups regarding this designation, plus Director Peacock has also been contacted. Commission Dept. Manager Patrice Lytle noted this designation needs to be renewed annually. Commissioner Mike Coster made a motion to appoint Emergency Management Director Russel Peacock as the White Pine County representative on the Nevada Homeland Security Working Group as requested. Commissioner Laurie Carson seconded. Motion carried.

the grant transfer as requested. Commissioner Mike Coster made a motion to approve the transfer of the GTEAP from Victim Witness Services to the WPC District Attorney's office, effective February 1, 2013 through September 30, 2013 in the amount of \$31,125. Commissioner Laurie Carson seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF THE GRANT FOR TRAINING, ENFORCEMENT, ARREST AND PROSECUTION FOR A 3-YEAR PERIOD FROM 10/1/13 THROUGH 9/30/16 IN THE AMOUNT OF \$299,991

District Attorney Kelly Brown noted this is the same grant, it would just be going out for the next three years. He also clarified that Ms. Lantz wouldn't be receiving the \$299,991; that's the amount from the Attorney General's office for the entire project, and her office would be receiving \$50,000 for the entire year, as just a portion of that amount. Chairman John Lampros asked if we could go three years even with another Commission; D.A. Brown confirmed this. Director Frances clarified that the amount to be received would be approximately \$150,000 for the three years, not \$299,991 as written; Ms. Lantz confirmed that. She felt language "not to exceed \$150,000" would cover that, for the total three-year amount. Following some discussion, Commissioner Mike Coster made a motion to approve the grant for training, enforcement, arrest and prosecution for a 3-year period from 10/1/13 through 9/30/16 in the amount of \$299,991 for the County's share of the total grant of \$299,991. D.A. Brown advised there's no match for the County's portion of this grant; Commissioner Coster withdrew his motion per the legal advice. Commissioner Mike Coster made a motion to approve the grant for training, enforcement, arrest and prosecution for a 3-year period from 10/1/13 through 9/30/16 not to exceed \$150,000. Commissioner Laurie Carson seconded. Motion carried.

CONSENT AGENDA: RATIFY CORRESPONDENCE; APPROVE PAYROLL FOR ELECTED OFFICIALS; APPROVE HR TRANSMITTAL FOR PAYROLL CHANGES; APPROVE BUDGET TRANSFERS WITHIN/BETWEEN FUNCTIONS/PROGRAMS WITHIN A FUND THAT DO NOT INCREASE THE TOTAL APPROPRIATION OF THE FUND

Chairman John Lampros entertained a motion to approve the Consent Agenda. Commissioner Laurie Carson made a motion to approve the Consent Agenda as presented; Commissioner Mike Coster seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF REQUEST FOR SUPPORT ON THE MIDWAY GOLD PAN PROJECT

Chairman John Lampros indicated a notice had been received from PLUAC from Midway Gold asking for public comment on the Pan Project's DEIS. He advised that the BLM is accepting written comments by mail, email, or in person at the BLM hosted public meetings on this, for a 45-day period. He advised the Board has already sent a letter of support for this project, and felt to send another would be redundant. Commissioner Mike Lemich felt it would be appropriate to give some feedback on this to somebody, since we had been requested to place it on today's agenda. Commissioner Mike Coster made a motion that the Commission has recommended support of the Midway Gold Pan Project, and to send PLUAC a copy of the letter that was sent by the Board. Commissioner Mike Lemich seconded. Motion carried.

IN A SPECIAL TOWN HALL MEETING/WORKSHOP OF THE WHITE PINE COUNTY
COMMISSION HELD ON APRIL 11, 2013 IN THE BRISTLECONE CONVENTION CENTER IN ELY,
NEVADA

The Following Were Present:

County Commission

Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
*Mike Lemich, Commissioner
Susan Lujan, Acting Clerk of the Board

The Following Was Absent:

John Lampros, Chairman
Linda Burleigh, WPC Clerk of the Board

County Officials

Elizabeth Frances, Finance Director
Bunny Hill, Social Services Director
Dahn Puckett, Admin. Assistant
Patrice Lytle, Commission Dept. Mgr.
Jim Derrick, Acting WPC Fire Chief
Chris Flannery, WPC Building Inspector
Bill Miller, Road Maint. Superintend't.
Dan Watts, WPC Sheriff
Kelly Brown, District Attorney
Bob Bishop, WPC Assessor
Melissa Brown, Deputy District Attorney
Elanie Calderwood, Finance Analyst
Bill Calderwood, Facility Maint. Supert'dt.
Jim Garza, CED Office Director
Kathy Ricci, Human Resources Director
Karen Collis, Public Health Nurse
Chrissie Shady, Chief Deputy Recorder
Fook Quong, Deputy Recorder
Russel Peacock, Emerg. Svcs. Mgmt. Dir.
Bev Cornutt, WPC Treasurer
Connie Odgers, Deputy Treasurer
Lori Romero, Library/Sr. Center Dir.
Jennifer Rivera, Management Assistant
Jennifer Drew, Admin. Assistant
Chris Ricci, WP Nutrition Program

Ross Rivera
Seth Urbanowitz
Edward Ockert
Mike & Debbie Francone
George Chachias
Ron & Tammy Carlgren
Rem DiCianno, Ely-City Council
Nancy Johnson

Also Present

Janet VanCamp
David Lantz, Victim & Witness Services
Cheryl Noriega
Carol McKenzie
Eric Roberts, SH Architecture
Karen Rajala, Public Facilitator
Terry Melby, Ganthner & Melby
Shellie Watts, School District Board
Warren & Julie Krch, Ely Learning Bridge
Curt Leet
Susan Wetmore, Library Board
Doris Metcalf
Linda Davies
Lukas Eggen, Ely Times
B.J. Almberg, Basin Engineering
Scott Husbands, Gianoli/Husbands Law Firm
Nathan Robertson, Day Engineering
Bobby VanCamp
Melody VanCamp
Steve Stork
Bruce & Julia Hendrix
Eldora Johnson
Peggy Tucker
Joyce Bell
Joe Martin
Judy Lynn O'Brien
Sam Hanson
Kathy Nall
Leigh McOmber, Library Board
Tony & Lisa Gilbert
Valerie Flannery, Library
Jason Williams
Wendy Anderson
John & Kathy Cobb

Gene Ockert, Ruth Town Council
Carol Bass
Phillip Winsryg, Ruth Town Council
Tedd Heggie
Amy Sorenson, Library Board
John & Julie Gianoli
Aaron Kapetan

*Commissioner Mike Lemich arrived at 6:41 p.m.

PUBLIC COMMENT

Vice-Chairman Laurie Carson called for any further public comment. Mr. Warren Krch wished to discuss briefly the future of this entire corner of Nevada. He noted Eureka is a small community that's exploding, what with their new Community Center going in, and the Midway Gold project will also be going in between Eureka and Ely as well. Very highly educated people will be looking at both the communities of Eureka and Ely; he hopes we will look at monies being invested as these things will bring lots of money, jobs and businesses back into our community. He said we have a choice, "we can either die on the vine and go back to what it used to be, or move forward"; he hopes we move forward. This comment received applause from the assembly.

Vice-Chairman Laurie Carson noted that our mine closed in 2003 and then started up again; this County was in a severe financial emergency situation, and the funds we did have mostly went to the Sheriff's Dept. for patrol cars, and in trying to make our Departments whole. We've put on bandaid after bandaid, she continued, and the infrastructure would blow up if something isn't done. Monies are being used from Net Proceeds of Minerals, true, but it will get us out of the "money pit," the Annex. There will be so many cost savings realized with these steps going forward. She emphasized this Town Hall meeting was for the community; she was thrilled with the questions that were asked tonight, and very pleased that the public has listened to us. Comments and questions from this evening will be utilized to continue further efforts, in moving forward and yet being cost-effective. She invited people to visit the displays in the meeting room, and not to hesitate to contact the Commissioners if there are further questions.

Commissioner Mike Lemich made a comment, that Mr. Krch "hit the nail on the head." There is a comment period for the Midway Gold project, he advised, and the public has until May 6th to comment. He cited forms for that that are available near the door, whereby comments may be made and returned to the BLM. He encouraged everyone to take part in this.

Commissioner Richard Howe felt that we did move forward today, citing the earlier Commission meeting: We voted to move out of the Annex, and while we did get some negative feedback on that, that's okay; we had to make a decision, whether it was popular or not. The first step is the Commission voted to move to the Ely Times building, and he noted that passed 4:1. He hoped that the people understand we did this to show White Pine County is being progressive, and not just waiting like in years past for something to get done or keep tabling the issue. He stated that "you pay us to make the decisions, and we made those based on our best knowledge and we went forward." He stated that we aren't abandoning downtown Ely, but we need to move people out of the Annex as soon as possible. Buying was the better option rather than renting yet another building, plus doing rentals would have spread the County offices all over town. We will be moving from the Ely Times building, most of the offices would come back into downtown Ely, and then we will progress. He concluded that we have the means to do this now, to research everything and go forward with good decisions. He stated that we'll make White Pine County a better place than it has been in the past, "it will be a good place."



White Pine County Employees

Newsletter

MAY

2013

April National Volunteer Month

While many people know that February is Black History Month and March is Women's History Month, not many people know that April is National Volunteer Month. While undoubtedly, the time we spend reflecting in February and March is of crucial importance, it is equally important that we honor the people who dedicate themselves to taking action and solving problems in our community.

One of the greatest aspects of volunteerism is that there are so many different ways to do it, and sometimes, we volunteer without even making conscious recognition of it – for example, helping out at church or coaching your child in soccer or baseball. Sometimes we can only fit in one day and we serve food at the local community dinner or clean up the local park. These acts all deserve to be applauded and thank you to every one of those people who are giving back to their community in their own way.

So as we finish out National Volunteer Month, let's recognize those who give of themselves to help others. Let's motivate others to join the effort. And let's stay focused on how volunteerism can continue to evolve to bring maximum value to our community. Volunteer some of your time and make a difference!!!

Midway Gold Pan Mine Project—BLM comment sheet

Attached to your payroll check you will find a BLM Comment Sheet regarding the Midway Gold Pan Mine Project. This sheet has been attached for your convenience if you would like to comment on the project. Comments of support or concerns are important in helping projects get their permitting and work towards starting production. Projects like this bring jobs and revenue to the community.

WELCOME ABOARD!!!

Lowell Sommervold - Sheriff's Office

Jim Jakobiak - Clark's Office

Congratulations to Clarence Henrod on his retirement!!!!

Thank you for your 12 years of dedication to the Road Dept.

Service Anniversaries for May

Employee	Department	Anniversary	Years of Service
Elaine Blackham	E.D.C.	5/20	17 years
Bunny Hill	Social Services	5/03	14 years
Ashlee Valdivia	Library	5/14	6 years
Chris Flannery	Building Dept.	5/01	5 years
Patty Marques	D. A. Office	5/07	5 years
Jim Garza	E. D. C.	5/31	2 years
Shawn Vaught	Sheriff's Dept.	5/01	1 year

CONGRATULATIONS!!!

Looking for News

Is there something important going on in your department, recognition, retirements, new family members, education or job accomplishments, artist abilities or hobbies worth sharing, please share them with us. Help us make the newsletter a success!

Saturday, April 27th
"Buddy Big Mountain
Family Show"

2:00 pm

Ely Elks Lodge

Friday, May 3rd

8am—8 pm

Saturday, May 4th

9am—2 pm

USED BOOK SALE
COUNTY LIBRARY

Sunday, May 12th

Mother's Day

Monday, May 27th

Memorial Day

"Captain Jeff"

Storytelling

Thursday, May 30th

4pm

County Library



015

**Midway Gold Pan Mine Project
Draft Environmental Impact Statement**



BLM COMMENT SHEET

Informed decisions are better decisions: The Bureau of Land Management (BLM) believes that public involvement serves to improve communication, identify solutions to issues and problems, and develop enhanced understanding of different perspectives. We look forward to hearing from you!

Where to provide comments: You may hand this form in at a public meeting or mail it using the address on the reverse side. Comments can also be submitted electronically at BLM NV EYDO Midway Pan EIS@blm.gov.

Name _____ County _____

Title _____ Organization _____

Mailing Address _____

City _____ State _____ Zip _____

Email _____

Date _____ Meeting Location (if applicable) _____

☐ Please check box if you want to be on the mailing list for future updates and notifications for this project.

The Final EIS will be posted on the BLM Ely District Office website. You will be notified when it is available

☐ Please check box if you want to receive a copy of the Final EIS (on CD) in the mail.

COMMENT (use back side if you need additional space or attach additional sheets)

Fold in thirds so that the address (reverse side) is showing, tape at bottom of fold, add postage and mail.
Note: The comment form must be postmarked by no later than Tuesday, May 7, 2013.

☐ Please check box if you do not want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses and phone numbers (if provided) of respondents will be available for public review at the BLM Ely District Office during regular business hours (7:30 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON APRIL 23, 2014 IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda Burleigh, Ex-Officio Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Lori Romero, Library/Sr. Center Director
Kelly Brown, District Attorney
Russel Peacock, Emergency Mgmt. Dir.
Jim Garza, CED Office Director
Chris Ricci, Senior Ctr. Program Supervisor
Bill Miller, Road Maint. Superintendent
Brett Waters, WPC Fire District Chief
Megan Brown, WPC Aquatic Center Dir.
Patrice Lytle, Commission Dept. Manager
Seth Urbanowitz, UNR-Coop Ext. Educator
Catherine Bakaric, Treasurer
Kathy Ricci, Human Resources Director
Bunny Hill, Social Services Director
Steve Stork, Airport Manager
Elizabeth Frances, Finance Director
Dan Watts, WPC Sheriff

Also Present

Jill Moore, BLM
Carol McKenzie, Lund Town Council
Donna Bath
Johnathan Dishong
Maxine Lantz, Victim & Witness Services
Penny Jo Robison
Rosey Thomas, BLM
Christine Sonderby, BLM
Earle Keizer, BCT
Rory Jackson, BCT
Delyne Kirkham, WWS/NOAA
Michael Fitzsimmons, WWS/NOAA
Greg Barnhart, WWS/NOAA
Geri Wopschall
Erica Husse
Karen Rajala

Chairman John Lampros called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Rosey Thomas, BLM Ely District Manager, introduced Christine Sonderby, the new Manager for the National Regional Seed Warehouse here in Ely, to the Board. Manager Sonderby advised she's new to Ely, and is currently getting the warehouse organized. She reported there was some flood damage from pipes breaking in the office space, not in the seed area, and this is being taken care of. She would like to hold an Open House in the summer, and welcomed comments and visits from the Board. Manager Thomas continued with her report, advising that the recent developments were not a "shining moment" for the BLM, referring to the rancher/livestock issue. She explained that there were some principles that led to that event: The BLM is obligated to hold people responsible and in compliance, and will hold them in trespass if necessary. These types of events could be handled differently; this particular instance was many years in the works and led to an effort that people didn't anticipate. The operation was concluded early, due to a very real threat of violence between the factions of militaristic respondees in support of the family, along with high tension on the BLM side, and "going where it didn't need to go." While the livestock gathering is concluded for now, the BLM is maintaining the compliance issue, which will continue to go forward. Manager Thomas added that the issue has gone viral on the net and is very one-sided; she stated she is proud to work for the BLM and they will "continue to do our work and our jobs."

April 23, 2014

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sentiments. District Attorney Kelly Brown advised no action is necessary other than to approve the Planning Commission's recommendation. Commissioner Mike Lemich made a motion to adopt approval of the recommendation submitted by the WPC Planning Commission to adopt an Ordinance to clarify requirements of County Code Title 8 and to ensure it is consistent with NRS574. Commissioner Laurie Carson seconded, noting also that she had sat in on those meetings. Motion carried. The Board wished Ms. Rajala and her family well.

DISCUSSION/ACTION/APPROVAL OF RECOMMENDATION SUBMITTED BY PLUAC RE: SUBMISSION OF WRITTEN COMMENT(S) BY THE COMMENT SUBMISSION DEADLINE OF APRIL 28, 2014 ON THE SECOND NOTICE FOR SCOPING FOR THE EIS ON THE PROPOSED GOLD ROCK MINE PROJECT LOCATED IN THE SOUTHERN NEWARK VALLEY AND NORTHERN RAILROAD VALLEY, WPC, APPROXIMATELY 50 MILES WEST OF ELY AND 30 MILES SE OF EUREKA

Commission Dept. Manager Patrice Lytle advised of a memo in the Commission packet noting that on September 9th their office received a copy of this; the PLUAC agenda of September 10th had already been posted. Therefore, since PLUAC couldn't address this, there was no formal recommendation made at that time. Now there is a second notice and PLUAC is now recommending to the Board. Commissioner Mike Coster confirmed this and he felt their recommendation is consistent. There followed some discussion; Ms. Jill Moore, BLM-Egan District Field Manager, helped to clarify the issue. This is a second request for input and there was indeed an initial round of input requests. However, they had an email issue whereby comments made were lost if they were sent by email. Therefore, this second request was initiated, to either accept new comments or to repeat email input from before, just to ensure the public had ample opportunity to comment. Commissioner Laurie Carson made a motion to approve PLUAC's recommendation regarding submission of written comments on the second scoping notice for the EIS on the proposed Gold Rock Mine Project located in the southern Newark Valley and northern Railroad Valley, White Pine County. Commissioner Mike Coster seconded. Motion carried, with Commissioner Mike Lemich abstaining from the vote; he explained he has a personal interest in the Gold Rock Project.

BUILDING SUBCOMMITTEE:

DISCUSSION/UPDATE ON ADMINISTRATIVE BUILDING REMODEL, LIBRARY EXPANSION, RELOCATION OF RSVP OFFICE, FUTURE JAIL EXPANSION AND ANNEX DEMOLITION - NO RECOMMENDATIONS FROM BUILDING COMMITTEE AT THIS TIME

Social Services Director Bunny Hill advised the new Administrative Building is moving ahead very well. They are starting to tape and texture, and it's really looking like an office building now. The tentative date for the move will be at the end of May/first part of June. Facility Maintenance Director Bill Calderwood had talked with the Honor Camp regarding helping with the move. Regarding the Library Expansion, it was reported 60% of the funding has been raised from private sources and 40% from the County. The Library Board of Trustees and Library Director Lori Romero were commended for doing a great job of raising the funds for this. The initial project cost was \$735,000; the cost was redone by the existing architect, and he assured that the project could be done for the same price, with no rise in costs. CORE Construction had also estimated the cost, but their estimate came in at over \$1 million. Once plans are drawn up and available, a better estimate can be established. There was discussion of the possibility of CMAR, which would contain our costs and assure we would come in at the funding that's available. There was a discussion of the UNR-Cooperative Extension Office requirements as presented by Educator Seth Urbanowitz, who indicated they would need 2500 sq feet. There was a question about an RFQ for an architect to design the building; it was advised there would be one required. As to the R.S.V.P. office, we are still awaiting a reply from the FAA as to the possibility of relocating that office. Other locations for

**IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JULY 9, 2014
IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX**

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda Burleigh, Ex-Officio Clerk of Board
Susan Lujan, Deputy Clerk

County Officials

Elaine Blackham, Sr. Management Assist't.
Kathy Ricci, Human Resources Director
Brett Waters, WPC Fire District Chief
Kelly Brown, District Attorney
Jim Garza, CED Office Director
Russel Peacock, Emergency Svcs. Dir.
Elizabeth Frances, Finance Director
Bunny Hill, Social Services Director
Bill Miller, Road Maint. Superintendent
Catherine Bakaric, WPC Treasurer
Steve Stork, Airport Manager
Megan Brown, WPC Aquatic Facilities Dir.

Also Present

Donna Bath
Ron Miller
Geri Wopschall, RSVP
George Chachas
Robert Little, Nv. Dept. Agriculture
Brandon Vaught, Tri-County Weed Control
Betsy Macfarland, ENLC
Carol McKenzie
Erin Rajala, BLM
Tammy Carlgren, Ely Beautification Council

Chairman John Lampros called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. George Chachas advised the ADA access to the new Aquatic Center hasn't provided a sidewalk. He then noted that new Federal regulations may not allow chlorine in the swimming pool, and he wanted to know if chlorine or another chemical is being put in. Chairman John Lampros noted that regarding the ADA compliance, he had received 3 phone calls complimenting the facility in that they are able to get into the pool. Mr. Chachas continued his list of concerns: He has yet to receive the updated list of home occupations/permits, and for Mr. Jim Alworth's business "Got Water" he's not on the City list. Mr. Alworth also isn't parking his truck in a commercial area. He stated that "someone is failing in their fiduciary responsibility," and the Commission is a part of that. He asked if County employees are exempt from paying fees. Next, he advised RTC Chairman Wayne Cameron isn't providing requested information, and the RTC may be in violation of the law regarding GID projects. Mr. Chachas wants to see both Chairman Cameron and the Commission liaison replaced. He continued that he still hasn't received a cost figure on the remodeling of the Ely Times building; he attended meetings of the Building Subcommittee, and they aren't providing any figures to the public either.

WPC Clerk Linda Burleigh advised she had reviewed the tape that was made of the June 30th Special meeting, where reference was made that the County Clerk "lost a resolution." She clarified this by explaining when a department calls us for a Resolution number, we write down the scope of what the resolution will be about. We don't see the original until it is signed. We didn't get the original signed by the Board, as it was indicated that we did. She wished this to be part of the record of the minutes.

July 9, 2014 |

At 10:20 a.m., Chairman John Lampros recessed the Commission meeting for a break. The meeting was reconvened at 10:30 a.m.

COMMISSION:

DISCUSSION/ACTION/APPROVAL FOR COMMISSIONER RICHARD HOWE AND CED DIRECTOR JIM GARZA TO ATTEND THE NDOT BOARD OF DIRECTORS MEETING IN CARSON CITY ON AUGUST 18, 2014 AND SUBMIT COMMENTS TO I-11 INTERMOUNTAIN WEST CORRIDOR INITIATIVE

Finance Director Elizabeth Frances clarified there is no money in the budget for travel, which is why this was placed on the agenda. Chairman John Lampros entertained a motion to table this agenda item. Commissioner Richard Howe made a motion to table this agenda item. Motion died for lack of a second. Commissioner Richard Howe then made a motion to approve travel for both CED Director Jim Garza and himself to attend the NDOT Board of Directors meeting in Carson City on August 18, 2014 and submit comments to I-11 Intermountain West Corridor Initiative. Commissioner Mike Lemich seconded. A table vote was taken: Commissioners Mike Lemich and Richard Howe voted for, while Commissioners Laurie Carson and John Lampros voted against. Commissioner Mike Coster abstained because we would be approving their attendance. Chairman John Lampros advised they would pay for it on their own. It was noted there was a tied 2:2 vote, with 1 abstention. Commissioner Mike Coster decided to vote against this, bringing the vote to fail the motion. Motion failed 3:2.

DISCUSSION/ACTION/APPROVAL TO SEND COMMENTS TO BLM RE: SOCIOECONOMIC ISSUES RELATED TO THE GOLD ROCK MINE PROJECT

Commissioner Richard Howe advised we have until next week to submit comments on this. He cited a draft letter in the Commission packet and noted this is in addition to the Pan Mine project. The comments are due by next Friday, and they're asking the Board to approve this; it shows our support and also includes some of our concerns of things that should be addressed in the EIS. It was clarified that there was a draft letter submitted last week, and this is a revised version. Commissioner Laurie Carson felt that in making comments she didn't feel it was appropriate to ask questions; on Page 3 it should state that the counties would need to find new revenues to offset the liabilities, instead. She maintained that it should be rephrased to be a bit stronger so it doesn't ask a question. Director Garza advised that regarding the language, they just asked if the revenues would offset our liabilities. He would be happy to rephrase this and will meet with Director Frances later today. Commissioner Carson felt the letter would be perfect with that adjustment. Commissioner Laurie Carson made a motion to approve sending the letter with comments to the BLM regarding socioeconomic issues related to the Gold Rock Mine Project with changes in the first paragraph on Page 3 as discussed. Commissioner Mike Coster seconded. It was clarified for Commissioner Lemich that this pertains only to the socioeconomic issues, not horses or roads. Road Maintenance Superintendent Bill Miller advised he is reviewing the lengthy EIS and will have his comments completed by next week, prior to the submission date; he invited Commissioner Lemich to review those. Following some discussion, Chairman John Lampros advised these concerns should have been discussed prior to the motion being made. A table vote was taken: Motion passed 3:2, with Commissioners Mike Lemich and John Lampros voting in opposition.

DISCUSSION/ACTION/APPROVAL OF AMENDMENT TO ORIGINAL INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF WHITE PINE AND THE AGING & DISABILITY SERVICES DIVISION TO PROVIDE TO CHILDREN WITH INTELLECTUAL DISABILITIES

Sr. Management Assistant Elaine Blackham advised this was on last year and it was approved; however, it was lost, either here or in the State offices, and we've never received a signed copy. It's the same agreement as last year, she advised, and Board approval is being requested. Chairman John Lampros

DISCUSSION/ACTION/APPROVAL OF RECOMMENDATIONS FROM THE INTERLOCAL NEGOTIATING TEAM FOR POLICE/FIRE/ANIMAL CONTROL SERVICES BASED ON THE JULY 2, 2014 MEETING

Finance Director Elizabeth Frances reported we are at a stalemate with the City of Ely, since they don't want to keep their current funding level. They will be paying less, and we would have to make up the difference with our fund balance; it was recommended that we have a mediator come in. Since this doesn't fall under Union negotiations, there would be a charge of \$2,000 to do this, and hopefully we can split that cost with the City. Commissioner Laurie Carson asked if POOL/PACT could assist us? Director Frances is waiting for a reply from them regarding this; she will also ask the Nv. Dept. of Taxation. During the discussion, Commissioner Carson advised that as a last resort we could bill the City if they refuse to pay; District Attorney Kelly Brown noted that as the City proposal is at no cost, they aren't aware that it could cost them at this point. Director Frances recommended seeing if we could get a mediator at no cost, and if that wasn't feasible, then if we could perhaps split the cost with the City. Chairman John Lampros entertained a motion to approve the recommendations as requested. Commissioner Laurie Carson made a motion to approve the recommendations from the interlocal negotiating team for police/fire/animal control services based on the July 2, 2014 meeting. Commissioner Mike Lemich seconded. Motion carried.

APPROVAL OF COUNTY COMMISSION MINUTES

May 14

May 19 (Special)

Commissioner Laurie Carson advised that there was a correction to the May 14 minutes, which she explained briefly. Commissioner Richard Howe made a motion to approve the May 14 set of minutes with correction noted. Commissioner Mike Lemich seconded. Motion carried, with Chairman John Lampros abstaining as he wasn't present. Commissioner Richard Howe made a motion to approve the May 19 set of minutes. Commissioner Mike Coster seconded. Motion carried, with Commissioner Laurie Carson abstaining from the May 19 minutes as she wasn't present.

RECOMMENDATIONS FOR FUTURE AGENDAS

Commissioner Laurie Carson recommended Nevada's 150-Year Centennial should be on there, as well as the NACO Convention update; Chairman Lampros noted the NACO update is already included.

PUBLIC COMMENT

Road Maintenance Superintendent Bill Miller advised that wild horses are being looked at to be placed on the endangered species list. The comment period is going on now, and we need to submit our comments on this; he offered to follow up on that. He also will be bringing forward some road changes and issues on the Mt. Hamilton Mine Road in the near future.

Commissioner Mike Lemich commented on the Gold Rock Mine agenda item. While he totally endorses mining, he feels the BLM is calling us to cooperate as partners and "then they put a muzzle on us" and don't listen to what we have to say. He added that the EIS for the Pan Project cost White Pine County \$15 million in Net Proceeds of Minerals money that we couldn't receive. While he doesn't mind participating and cooperating in these things, he feels we're "getting a 'sack' job."

ADJOURNMENT

At 12:00 noon, Chairman John Lampros entertained a motion to adjourn the meeting. Commissioner Laurie Carson made the motion; Commissioner Richard Howe seconded. Motion carried.

(1)

Violation #3

This complaint is two fold. One is declaring a conflict, then participating in discussions and abstaining on votes or sometimes voting on some of the agenda items. I have included minutes, (White Pine County Commission minutes). They include the first page showing attendance, sometimes the page of the minutes does not show who was in attendance.

#A February 13, 2013 pg. 14 + 15 + 16
pg. 14 + 15 * Agenda item under Finance

Discussion of hours of use and vote

pg. 16 * Agenda item to pay SH Architecture
for invoice #0003127 - \$16,123.44
for January 2013.

pg. 16 * Agenda item to pay CORE Construction
invoice # 1216 PC - 001 - \$7,200.00
for Aquatic Center.

#B May 14, 2013 Special pg. 1

Public comment - Mr Chachas

comment on Mr Lemich conflict
of interest on pool project.

pg 4 presentation on Guaranteed
max price for pool. Comm-
issioner Lemich participating
in discussion. Then abstaining

(2)

on the vote.

* pg. 5 Agenda item Direct CORE to
begin Construction on pool.
Discussion And Recess. Vote
on the max price and vote
for beginning construction.
Lemich again abstaining.

C June 26, 2013 pg. 1 Attendance pg.

pg. 8 Building Dept.

* Agenda item to Designate
Representative(s) to Approach
School District for Agreements
to use school fire access and
additional parking for pool.
None of these were addressed
in planning for pool.

Commissioner Lemich made the
second to the motion and voted
on the motion.

D January 29, 2014 pg. 6

* Agenda item Human Resources
Approval of Job description for
pool director position.

Commissioner Lemich participates
in discussion. Then voted
on the item.

(3)

E April 9, 2014 pg. 1

* Agenda item Employment for
WPC Aquatic Facilities Director
Commissioner Lemich participated
in discussion and voted.

* Agenda item Offer Aquatic Facilities
Assistant Manager Position
Lemich seconded motion and
voted (pg. 3)

* pg. 3 Agenda item Job Description for
Aquatic Facilities Assistant Manager.
Lemich seconded motion and voted.

F June 25, 2014 pg. 1 Attendance page

pg. 15 FINANCE

* Agenda item: Approval Resolution
2014-14 Transfer of Funds.
Lemich voted.

G August 27, 2014 pg. 8

* Agenda item approval of Northern
Nevada Aquatics Swim Program at
Aquatic Center.

Discussion - Lemich participated

* pg. 9 Agenda item Spectator Fee
for Aquatics Dept. Discussion.

(4)

pg. 10 Further discussion And vote.

H September 10, 2014 pg 1 Attendance

* pg. 12 Agenda item School use.
of Aquatic Center.

Discussion

pg. 13 Further discussion And vote.

The second complaint would be:

MR Lemich claiming to have given
the property to the County for
the construction of the pool.

He has led the citizens to believe
that he and his family had given the
property. See letter to the editor Ely Times
July 26-Aug 1, 2013 from Cheryl NAKASHIMA.

Also see political Ad from the Ely Times
pg 6A claiming his donation of land for
the pool. He did donate a small triangular
shaped piece of land when the school

donated the land for the pool. The school
property was land locked with only access
A one way loop around the High School.

His property was useless but
afforded access (ingress and egress) to
Highway 6.

In packet I have included

(5)

maps from BLM granting the land to the White Pine County School District. (They are not to clear.)

There are also included the White Pine School Board Minutes and Agenda dated May 19, 2003 when they granted the property to the County. These minutes show the possible need for the Lemich property. Their donation also had restrictions and a time limitation. It mentions a deed but Paul Johnson the Finance Director at the school district told me there was never a deed prepared. I have also included a map given to me by Paul Johnson.

In going through the minutes you will see Mr. Lemich consistently claim to have given the property to the County. He also shows contention for the School District wanting some free or reduced rates for student use of the pool in compensation for the donation (see comments in Commission minutes and School Board minutes.)

My question or complaint is, is it ethically wrong to mislead citizens

6

As he claims to have given "the property" not being specific, then not wanting to compensate the School District for their donation.

Submitted by
Cheryl Noriega

I apologize for this being hand written. My computer is down and my skills on it are limited.

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON FEBRUARY 13, 2013 IN THE COMMISSION MEETING ROOM OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda F. Burleigh, Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Kelly Brown, District Attorney
Bill Calderwood, Facility Maint. Supert' dt.
Jim Garza, CED Office Director
Dan Watts, WPC Sheriff
Bill Miller, Road Maint. Supert' dt.
Elizabeth Frances, Finance Director
Kathy Ricci, Human Resources Director
Bunny Hill, Social Services Director
Patrice Lytle, Commission Dept. Manager
Chris Flannery, WPC Building Inspector
Steven Stork, Airport Manager
Russel Peacock, Emergency Mgmt. Svcs.
Bob Bishop, WPC Assessor

Also Present

Ron Miller
Donna Bath
Thomas Bath, Parallel Lines Studio
Lukas Eggen, Ely Times
Andy Bath
Jennifer Dalley
Karl Lee
Stephen Romero, Wells Fargo Insurance Svcs.
Tina Perchetti, ISU-L/P Insurance /Svcs.
Chris Hanefeld, BLM
Linda Davies
Scott Laity, Bristlecone Bowmen
Dean Baker
Cheryl McNutt, WPC Appraiser
Debbie Underwood, WPC Appraiser
George Chachas
Terry Reck, Reck Bros.
B.J. Almberg, Basin Engineering
Chuck Odgers
Lori Drew
Karen Rajala, WPC Planning Commission
Ross Rivera, Ely Fire Chief

Chairman John Lampros called the meeting to order at 9:03 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. Karl Lee approached the Board regarding an item on the agenda; he requested a letter be read into the record. The Board agreed, and he read the letter from Ms. Mary Lee, who wants her good faith deposit of \$5,000 returned to her.

Mr. Steve Romero, Wells Fargo Insurance Services, spoke on the agenda item for Ms. Tina Perchetti to be considered as the agent of record. He requested the Board to table the action on this item in order to allow him, as the County's current broker, to also have some discussion with the Board. This was noted, and Chairman John Lampros advised he will be placed on the February 27th Commission agenda.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO PURCHASE NEW HOT/SHOT DELIVERY VEHICLE IN THE AMOUNT OF \$39,060.25 FOR THE WPC NUTRITION PROGRAM

Library/Sr. Center Director Lori Romero advised this will be the second vehicle purchased with the funds the Board just approved, as she explained; the vehicle should be delivered this week. Commissioner Laurie Carson asked where the other \$9,000 is coming from; Director Romero advised that will come from the other vehicle they are surplussing, which is the next agenda item. She added that she had discussed this with Director Frances. Chairman John Lampros entertained a motion to approve the purchase of the new delivery vehicle as requested. Commissioner Richard Howe made a motion to approve the purchase of the new Hot Shot delivery vehicle in the amount of \$39,060.25 for the WPC Nutrition Program. Commissioner Laurie Carson seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO SURPLUS CHEVROLET ASTRO VAN AND DODGE HOT/SHOT DELIVERY VEHICLE AT AUTO AUCTION IN LAS VEGAS AND THE RAISED FUNDS GO BACK INTO THE WPC NUTRITION PROGRAM

Director Romero advised that last September the Commission gave her authorization to send the first vehicle to Las Vegas to market. The vehicle in this agenda item is the second one; it will be taken out of service when the new one arrives. She reported that they've received no bids for the Astro van so she is requesting to send this one down to the auction as well; it can be taken there this Friday. She replied to a query from Commissioner Mike Lemich, that it is going to the Las Vegas Auto Auction, and that Mr. Richard Carney will be handling this. She also replied to a query asking if normal procedure for disposing of vehicles is through advertising: This had been done, and no bids were received, and there is no market here in White Pine County for these delivery vehicles. Chairman John Lampros entertained a motion to approve surplussing the Astro van and the Dodge Hot Shot delivery vehicle as requested. Commissioner Laurie Carson made a motion to surplus the Astro van and the Dodge Hot Shot delivery vehicle to the Las Vegas Auto Auction, with the funds raised from the auction to return to the WPC Nutrition Program. Commissioner Mike Coster seconded. Motion carried.

FINANCE:

DISCUSSION/ACTION/POSSIBLE APPROVAL ON GUIDANCE RE: HOURS OF OPERATION FOR WPC AQUATICS CENTER FOR THE FY2014 BUDGET PROCESS

Finance Director Elizabeth Frances advised that some guidance is needed regarding staffing the pool when it opens next year, as well as the hours of operation. She cited some materials in the Commission packets on this, and is asking for specific ideas the Board might want to pursue. Chairman John Lampros felt 12 hours/day should be done first and then we can cut back if needed; his reasoning is that there are people such as seniors who will want to utilize it at different times of the day. We won't really know how it will all work out until it is operated, and he felt we should budget over rather than under for this. Commissioner Laurie Carson felt we should also schedule Saturdays for the pool to be open, as well; Director Frances agreed with this, and she visualized scenarios with different groups of users.

Commissioner Mike Lemich agreed there will be lots of interest in using this facility, and we should make the hours excessive while we have the funds to do it. He suggested perhaps the School District could participate in some expenses for class use. Director Frances addressed this, noting that since they donated the property in exchange they will be able to utilize the pool at no cost to them for a certain number of years, which was in the original plan. During the discussion, she also advised that we can determine our peak periods once the facility opens and make adjustments accordingly. The Board felt perhaps keeping the pool open 7 days a week at this point in time would be beneficial. Chairman John Lampros entertained a motion to keep the pool open for 12 hours per day, 7 days a week. Commissioner Mike Coster made a motion to approve the hours of operation for the WPC Aquatic Center for the FY2014

budget process, for 12 hours per day, 7 days a week. Commissioner Richard Howe seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF THE PLAN OF CORRECTION FOR THE FY2012 AUDIT

Director Frances advised that the audit performed on the County goes to the Nv. Dept. of Taxation. If there are noted any violations of statute, then we are required to submit a Plan of Correction on how to resolve those violations. She stated there were 2 violations noted: One was that the Capital Improvement Plan hadn't been filed with the County Clerk for FY2012; and the other involved three funds that went overbudget (Social Services-Indigent, Assessor Technology Fund, and the Senior Center Fund). She cited her memo addressing this, including the reasons those funds went overbudget. The plan is to work with the Department Heads to avoid these kinds of problems in the future. Commissioner Laurie Carson made a motion to approve this Plan of Correction for the FY2012 Audit. Commissioner Richard Howe seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO REQUEST A WAIVER OF REMOVAL FROM THE SUPPLEMENTAL CITY/COUNTY RELIEF TAX GUARANTEED STATUS BECAUSE THE INCREASED AMOUNT OF COLLECTIONS IN THE PRIOR YEAR WAS DUE TO NONRECURRING TAXABLE SALES

Director Frances advised that the County is currently on the relief tax guaranteed status, but now we have big projects going on with the above-normal amount of taxes coming in. She explained that is a basis for removing us from the guaranteed level. We are asking to submit a waiver to the Committee on Local Government Finance due to these extraordinary circumstances which caused our collections to go over. Commissioner Laurie Carson made a motion to approve seeking a waiver of removal from the supplemental City/County relief tax guaranteed status due to the increased amount of collections in the prior year from non-recurring taxable sales. Commissioner Richard Howe seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO REIMBURSE DESIREE BARNSON IN THE AMOUNT OF \$500 FOR DAMAGES TO HER VEHICLE THAT WERE A RESULT OF ACCUMULATION OF ICE ON THE ANNEX GUTTER THAT BROKE LOOSE AND FELL ONTO HER VEHICLE

Director Frances explained that Ms. Barnson had parked her car on the other side of the Annex and during the recent cold weather a huge amount of ice broke the gutter and dropped onto her car. She cited the cost estimate in the Commission packet, and noted this was run through the County's insurance but the claim was denied since it was considered an act of God. However, she would like to see if we can make it right for this individual. Director Frances is proposing to reimburse her for the deductible; she pointed out it was an employee parking spot. Mr. Stephen Romero added that he did get correspondence on this from his Claims Manager, and it was suggested that the parking area might be coned off so the employees will know not to park there during similar weather conditions. He continued that this should also be the case for other County facilities where there is parking next to the buildings. District Attorney Kelly Brown advised while he hadn't visited the site, he was told there was a "No Parking" sign there. Social Services Director Bunny Hill noted that wasn't where Ms. Barnson's car was parked. During the discussion, D.A. Brown noted that while we are not legally bound to help the employee out with this, we do have a moral responsibility. Commissioner Richard Howe advised that as she was an employee, at work, parked in an employee parking area in her own car, we should assist her by paying her deductible, in his opinion. Commissioner Mike Coster advised that he will vote against this, however, because he has seen in the past how "exposure for employee personal property will grow larger." Commissioner Richard Howe made a motion to reimburse Ms. Desiree Barnson in the amount of \$500 for damages to

her vehicle as a result of ice accumulating in the Annex gutter that broke loose and damaged her car. Commissioner Mike Lemich seconded. Following brief discussion, motion carried 4:1 with Commissioner Mike Coster voting in opposition.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO PAY SH ARCHITECTURE INVOICE #0003127 IN THE AMOUNT OF \$16,183.44 FOR SERVICES RENDERED DURING THE MONTH OF JANUARY 2013

Director Frances briefly reviewed the invoice from SH Architecture. Commissioner Laurie Carson made a motion to approve paying SH Architecture for their invoice #0003127 for \$16,183.44 for services rendered during the month of January 2013. Commissioner Mike Lemich seconded. Commissioner Laurie Carson felt Commissioner Lemich should abstain from this as his property is located nearby and there could be a raise in his property values. District Attorney Kelly Brown noted it's up to Commissioner Lemich to decide if he should abstain or not. Commissioner Mike Lemich noted that he had donated the ground so he will abstain; his second was withdrawn. Commissioner Richard Howe seconded Commissioner Laurie Carson's motion instead. Motion carried with Commissioner Mike Lemich abstaining.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO PAY CORE CONSTRUCTION SERVICES INVOICE #1216PC-001 IN THE AMOUNT OF \$7,200.00 FOR PROGRESS BILLING ON THE WPC AQUATICS CENTER

Finance Director Elizabeth Frances noted this is their progress billing; CORE is the construction company for the WPC Aquatics Center. Commissioner Laurie Carson made a motion to approve payment to CORE Construction Services' invoice #1216PC-001 for \$7,200 as requested. Commissioner Mike Coster seconded. Motion carried, with Commissioner Mike Lemich abstaining.

DISCUSSION/ACTION/POSSIBLE APPROVAL TO FORFEIT \$5,000 DEPOSIT TO MARY LEE FOR THE AULTMAN STREET PROPERTY BASED ON HER REQUEST

Chairman John Lampros had no problem with returning Ms. Lee the money. Commissioner Mike Coster cited her letter which was read into the record earlier; he wished to know what the contract stated. District Attorney Kelly Brown noted it is contingent upon approval by the County Commission. There was no contingency in the original contract for a soil survey, but when the question came before the Board they approved it contingent upon the survey; this is where the problem lies. Based on the contract, he felt we have no liability; however, if Ms. Lee did rely on that contract and she kept the property off the market, she may have a claim for her detrimental reliance. He added that we currently don't have the money for this, as it's in escrow. It would cost us more than \$5,000 to recover the money, but he noted the decision is up to the Board. CED Office Director Jim Garza advised that money was for earnest deposit; he felt the County paid for a Phase I Environmental Assessment, which was done. Commissioner Mike Lemich wants to see where we approved it in the first place, and the condition of the land was unknown when the prior Finance Director brought this to the table. He pointed out that another \$5,000 had also been paid to the realtor. Following some discussion, Director Frances recommended tabling this for now. D.A. Brown will return after researching this matter and will recommend a course of action. Commissioner Laurie Carson made a motion to table this agenda item to the next Commission meeting. Commissioner Mike Coster seconded. Motion carried.

DISCUSSION/ACTION/POSSIBLE ACCEPTANCE OF MONTHLY FINANCIAL REPORTS

Chairman John Lampros asked if the Board had any questions on these; they did not. Chairman Lampros then entertained a motion to accept the reports. Commissioner Laurie Carson made a motion to accept the reports as presented; Commissioner Richard Howe seconded. Motion carried.

**IN A SPECIAL MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON MAY 14, 2013
IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX**

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda Burleigh, WPC Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Mike Wheable, Deputy District Attorney
Chris Flannery, WPC Building Inspector
Patrice Lytle, Commission Dept. Manager
Bill Calderwood, Facility Maint. Superintd't.
Dan Watts, WPC Sheriff
Elizabeth Frances, Finance Director
Bill Miller, Road Maint. Superintd't.
Pete Mangum, 4-H Program Coordinator
Elaine Blackham, Sr. Mgmt. Assistant

Also Present

Eric Roberts, SH Architecture
David Lantz, Victim & Witness Services
Lukas Eggen
Carl Jackson
Marty Harpster, CORE Construction
George Chachas
Dave Miller
Randy Hesterlee, NDOT
Seth Maurer
Kevin Robison, Mt. Wheeler Power

Chairman John Lampros called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. George Chachas felt that, in requesting information from various County sources, verbal requests as well as written requests should be acceptable; he cited an NRS stating this. Regarding the Aquatic Center, he felt the pool was too big, too expensive, and we wouldn't be able to afford the \$2,000/day in operating expenses. Also he noted that the facility can't be put on school property, as that land is dedicated for school usage only. He asked if a special permit had ever been issued to put the pool on school property; he asked the RPC about this and never received an answer. He added that he had asked a question regarding the pool facility's electrical load, and hasn't heard a reply. Mr. Chachas advised that Commissioner Mike Lemich hasn't been disclosing the conflict of interest he has with the pool project; he should be abstaining from any vote concerning that, and he never has. On another matter, he still needs a listing of new home occupation/permits; he specifically cited City Clerk Jim Alworth for his home business, "Got Water." Advertising for this business include Mr. Alworth's home phone number; again, proper fees should be collected and they aren't. Also, he asked if the owners of the Highland Apartments had received their property tax exemption, as they had requested? If so, he wants to get his property tax off the tax rolls as well.

DISCUSSION/ACTION/POSSIBLE APPROVAL OF GUARANTEED MAXIMUM PRICE PROPOSAL FOR THE WPC AQUATIC CENTER

Mr. Marty Harpster, CORE Construction, cited a document in the Commission packet that outlines 4 basic components of their proposal, which he detailed for the Board. The components are an estimate, a summary, a construction schedule and an enumeration of documents, which last is comprised of a listing of all construction documents that are currently in process for building permits. He continued they prepared a proposal within the total project budget of \$7 million. The major components of the project will come to over \$5 million; the remainder will be the costs that the County will be required to pay, roughly \$1.12 million. Some of this is the owner contingency that Director Frances referred to in an earlier agenda item, the \$333,000, which represents 5% of the total project budget and is part of the Commission's requirements. Mr. Harpster continued that the CEMAR contingency will take care of the many small things that occur during the construction phase, with a starting balance of \$119,000. He explained each time a check is written against that, it will be recorded into a log book which will be reviewed weekly. The contract provides for all savings to accrue to the benefit of the County, which means any unspent dollars may or may not be spent, it's the choice of the Board to make. He emphasized that contingency funds aren't used to take care of unforeseen conditions. Bids were solicited, received, opened and tabulated for the contractors. Chairman Lampros stated that we're ready for a date to begin construction; Mr. Harpster advised that once the project has been awarded, they could start tomorrow. A groundbreaking ceremony may be held anytime after the Board approves the project to go forward. The date for starting the actual construction, though, depends on executing the final CMAR agreement and completion of the bond requirements.

At this point in the meeting, Mr. Randy Hesterlee, NDOT, advised he had spoken with Basin Engineering regarding the approach onto Highway 6. He is asking our intent for that, and also for pedestrian facilities on Highway 6. His concern is the traffic, both of pedestrian and vehicles. He cited a scenario on Highway 6 of conflicting movements in traffic due to close proximity, and that would increase the mitigations on Highway 6. Deputy D.A. Wheable advised this is off topic, but this would be good for Public Comment or to put on the agenda for the next Commission meeting. It was the consensus of the Board to put this on the May 22nd Commission agenda.

Commissioner Mike Lemich cited the list of contractors and asked if they were selected by CORE Construction; Mr. Harpster responded that a subcontractor can't be selected until a contract with the County is accomplished. He did note that list represents the low apparent subcontractors. To continue answering another question posed by Commissioner Lemich, Mr. Harpster advised that because all NRS provisions have been complied with and documentation was done showing how they complied, the selection process was very detailed. The pricing that was solicited was not deviated from, it was set. Everyone was provided the opportunity to submit proposals, which were opened in confidence and tabulated accordingly; Director Frances has copies of the bid tabulations. Then they returned to the apparent low subcontractors and requested ideas for cost reductions, and those are listed in a separate document log. Their final proposal is based on the acceptance of those items; there was no deviation from the intent of the design, he assured the Board.

At 9:50 a.m., Chairman John Lampros recessed the meeting for a break. The meeting was reconvened at 9:55 a.m. At this point, Chairman Lampros entertained a motion to approve the guaranteed maximum price proposal for the WPC Aquatic Center. Commissioner Laurie Carson made the motion; Commissioner Richard Howe seconded. Commissioner Mike Coster advised he will vote against the motion, and wished to make a comment; however he was unable to do that and the conversation escalated. Commissioner Mike Lemich advised he will abstain, explaining that he donated the property

18 years ago, and doesn't wish to create a conflict although that occurred many years before he became a Commissioner. Motion carried with 3 ayes, 1 nay (Commissioner Coster), and 1 abstention (Commissioner Lemich).

DISCUSSION/ACTION/POSSIBLE APPROVAL TO DIRECT CORE CONSTRUCTION TO BEGIN CONSTRUCTION OF THE WPC AQUATIC CENTER

As there were no questions on this from the Board, Chairman John Lampros entertained a motion to direct CORE Construction to begin the project. Commissioner Richard Howe made a motion to direct CORE Construction to begin construction of the WPC Aquatic Center; Commissioner Laurie Carson seconded. At this point, Commissioner Coster asked if his denial of comment during the previous motion invalidated the vote? Deputy D.A. Wheable advised that if Commissioner Coster had a question, he could have asked that. The issue is continuing discussion versus a question; as Commissioner Coster had voiced that he would vote against it, the vote was valid. He clarified that for this issue under the current agenda item, he can ask questions prior to the vote, and that wasn't clear on the prior question; there is a distinction. It moved forward without questions on the vote, and the time for discussion was closed. That being said, Commissioner Coster asked if road access for the construction has been arranged; Mr. Harpster advised they haven't filed for that yet, but don't anticipate any difficulty. Also, the costs don't include the hookups from the City; all the utility hookups are in the County's portion of costs, as he explained, and are listed under our indirect expenses. He did emphasize those figures are estimates. Commissioner Coster advised he will also vote against this as there is much uncertainty in our operating costs and, in spite of the diligent staff work, the costs of the other pools he has researched shows we're underestimating the costs of this project. With that uncertainty, and while he definitely supports the pool, he will have to vote against it. Deputy D.A. Wheable advised that in readdressing the previous vote concerns of Commissioner Coster, he should have had an opportunity to make a comment. The vote is still valid; he voted against it because his question wasn't answered. Deputy D.A. Wheable requested a brief recess to speak with Chairman John Lampros.

At 10:04 a.m., Chairman Lampros recessed the Commission meeting for a break. The meeting was reconvened at 10:05 a.m., whereupon this agenda item was continued. Commissioner Mike Coster advised he was satisfied as to the procedure. Deputy D.A. Wheable requested the motion in question be repeated: Commissioner Laurie Carson made a motion to approve the guaranteed maximum price proposal for the WPC Aquatic Center. Commissioner Richard Howe seconded. A table vote was taken: Motion carried with Commissioner Mike Coster voting against, and Commissioner Mike Lemich abstaining.

Now the discussion moved into a vote for this current agenda item: The motion on the floor carried, with Commissioner Mike Coster voting against and Commissioner Mike Lemich abstaining, on the same basis as before.

DISTRICT ATTORNEY:

DISCUSSION/ACTION/POSSIBLE APPROVAL OF RESOLUTION 2013-05 REQUESTING ASSISTANCE FROM THE NEVADA ATTORNEY GENERAL ON PROSECUTION OF DPS INVESTIGATION DIVISION CASE 13I000249 TO INCLUDE REIMBURSEMENT OF TRAVEL EXPENSES NOT TO EXCEED \$2,500.00

Deputy District Attorney Mike Wheable presented this resolution, explaining that whenever there is a conflict in prosecuting a case, it's the ethical duty of the prosecutor to seek other counsel to take on those duties. When you work with someone who may have a connection to a case, it's a conflict; sometimes even seeking other counsel in a small community can be a conflict, as well. He explained that it's a

AT A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JUNE 26, 2013 IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX

The Following Were Present:

County Commission

Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda Burleigh, Clerk of the Board
Susan Lujan, Deputy Clerk

The Following Was Absent:

*John Lampros, Chairman

County Officials

Kelly Brown, District Attorney
Patrice Lytle, Commission Dept. Manager
Bill Miller, Road Maintenance Superintendent
Lori Romero, Library/Sr. Center Director
Chris Flannery, WPC Building Inspector
Elaine Blackham, Sr. Management Assistant
Elizabeth Frances, Finance Director
Russel Peacock, Emergency Management Director
Bev Cornutt, WPC Treasurer
Steve Stork, Airport Manager

Also Present

Ron Miller
Donna Bath
James Adams, Ely Jet Center
Lukas Eggen, Ely Times
Josh Nicholes, USDA-Forest Service
George Chachas
Catherine Bakaric
Mark Bassett, NNR
Jake Brunson, Robinson Nevada Mine
Bill Wilson
Wayne Carlson, Nevada POOL/PACT
Simeon Herskovits, Adv. for Comm. & Env.
Sandy & Timothy McGowan
Stephen Romero, Wells Fargo Insurance
Mark Malolepszy
Mike Kennedy

Nancy Herms	Jill Moore
Virginia & Jaurec Madson	Pavel Skrabal
Michael Mitton	Mitch Polinsky
Janet & Dave Minsberg	Robert & June Macys

*Chairman John Lampros was unable to attend as he is recuperating from surgery.

Vice-Chairman Laurie Carson called the meeting to order at 9:05 a.m. and WPC Clerk Linda Burleigh led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. Mitch Polinsky introduced himself as a glider pilot, who is proud to be here in Ely. He felt it is a privilege to be able to come to Ely, spend money here in our community, and provide safety benefits by staying at the Airport. He's been coming here for the past 2 years, and their group is offended by the Sheriff or his deputy who shared his guesses publicly, telling them an untrue story. Mr. Polinsky continued that 90% of the glider people have a high education, they aren't homeless, and they aren't searching for a facility to enter and use as a public place. The Ely Jet Center is hosting them, and they know where they can go, and they don't need to look for another place. He also wants to appeal to this Board to exercise common sense and wisdom in this, besides their rights and privileges to use this land, which is a business leased place where they've stayed for years. He added that they increase the security at the Airport because there is none there at night.

BUILDING DEPT.:

DISCUSSION/ACTION/POSSIBLE APPROVAL TO DESIGNATE A REPRESENTATIVE FROM WPC TO APPROACH WPC SCHOOL BOARD FOR AN AGREEMENT FOR FIRE ROAD ACCESS AND ADDITIONAL PARKING AS NEEDED FOR THE WHITE PINE COUNTY AQUATIC CENTER

WPC Building Inspector Chris Flannery noted there is no agreement currently in place; there needs to be one for fire access, between the School District and White Pine County. He showed on a large map how additional parking is needed; he would like to see the Commission, and the District Attorney get together to see if an agreement can be done for this. The square footage involved is roughly 20,000 square feet; the only access is from the High School's main parking lot. He explained that the controls for the fire equipment is on the driver's side of the vehicle and how that would play into the one-way traffic direction that is in place now. The access would relieve the "choke point" for fire trucks and other emergency vehicles that may need to come in. Additionally, the State Fire Marshall is asking for an area of rescue, which is required by Code; he wants the pathway to be lit and accessible all the way to the public right-of-way, as he illustrated on the map. If an agreement could be reached to pave the area, which is now dirt, it would be a great win-win situation. Commissioner Laurie Carson wished clarified that the State Fire Marshall wants us to have a cooperative agreement in place; Inspector Flannery confirmed this. Inspector Flannery continued that there's no real bus parking available, either. He felt we should go to the School District and address these deficiencies; in reply to a query from Commissioner Mike Coster, it was also clarified this wouldn't involve a financial commitment at this point in time. He added that these all have to be put into place before he can issue a building permit for the structure. He would also like to be on the team to answer questions and provide such assistance as he can; he emphasized that time is running out. There was some discussion, after which Commissioner Richard Howe made a motion to appoint Commissioner Laurie Carson, District Attorney Kelly Brown, Finance Director Elizabeth Frances, Facility Maintenance Superintendent Bill Calderwood, and WPC Building Inspector Chris Flannery to represent the County and approach the School District regarding an agreement for fire access and additional parking as needed for the White Pine County Aquatic Center. Commissioner Mike Lemich seconded. It was noted that the D.A. should do the review, legal work and prepare the MOU (Memorandum of Understanding). Commissioner Richard Howe rescinded his motion and made a new motion that Commissioner Laurie Carson, Finance Director Elizabeth Frances, Facility Maintenance Superintendent Bill Calderwood, and WPC Building Inspector Chris Flannery be designated as representatives for White Pine County to approach the School District regarding an agreement for fire access and additional parking as needed for the White Pine County Aquatic Center. Commissioner Mike Lemich rescinded his second and provided the second for this new motion. Motion carried 3:1, with Commissioner Mike Coster voting in opposition.

Vice-Chairman Laurie Carson moved the meeting into the First Reading of Ordinance #449.

**INTRODUCTION AND FIRST READING OF ORDINANCE #449, BILL 06-26-13
AN ORDINANCE WHICH MIRRORS NRS 453.336 PROHIBITING THE POSSESSION OF ONE
OUNCE OR LESS OF MARIJUANA BUT WHICH PURSUANT TO NRS 453.3361 ALLOWS FOR ANY
FINES COLLECTED UPON CONVICTION TO BE KEPT WITHIN THE COUNTY AND DIVIDED
EVENLY BETWEEN THE LOCAL SEVENTH JUDICIAL DRUG COURT PROGRAM, WPC
SHERIFF'S OFFICE, AND THE WPC DISTRICT ATTORNEY'S OFFICE**

District Attorney Kelly Brown advised that Deputy District Attorney Mike Wheable worked on this Ordinance. It's the same as the NRS, which prohibits the possession of less than one ounce of marijuana; he explained how the fines currently go to the State. This Ordinance will have the same language, but also per NRS we are allowed to divide the fines, which will be divided between the Drug Court Program (which he noted lost much of its funding from the State recently), law enforcement, and the District

At 9:55 a.m., Chairman John Lampros recessed the Commission meeting for a break. The meeting was reconvened at 10:09 a.m.

DISCUSSION/ACTION/APPROVAL TO SUBMIT COMMENTS TO THE U.S. DEPT. OF INTERIOR BLM ON THE NEVADA AND NORTHEASTERN CALIFORNIA GREATER SAGE GROUSE DRAFT LAND USE PLAN AMENDMENT AND EIS

District Attorney Kelly Brown brought back this agenda item for clarification: He asked if it is the Board's intent to say that the White Pine County Commission adopts, instead of endorses, the comments as noted in the letter to the BLM? Or, to leave it "endorses" and then add that we adopt the position of the Elko County Board of Commissioners as our own? Chairman Lampros and Commissioner Lemich liked having the additional sentence, in that it sounded stronger. Commissioner Laurie Carson added that we should also include NACO's position as well. Following further comment, Commission Dept. Manager Patrice Lytle summarized that the White Pine County Board of Commissioners endorsed comments both by NACO and the Elko Board of County Commissioners AND that we adopt the position of the Elko Board of County Commissioners as our own. The Board agreed with this wording.

HUMAN RESOURCES:

DISCUSSION/ACTION/APPROVAL OF JOB DESCRIPTION FOR AQUATIC FACILITY DIRECTOR POSITION

Human Resources Director Kathy Ricci cited the draft Job Description in the Commission packets. Commissioner Mike Coster asked for some background on this; Director Ricci advised that she and Director Frances, among others, had visited aquatic centers around the State and their findings were collaborated into this result. She added that POOL/PACT had also assisted with this. Commissioner Mike Lemich asked if the person would be qualified, under the Routine Maintenance section, to be a maintenance person; he felt the County Maintenance Dept. would take care of the general, routine maintenance. Director Frances advised she had discussed this with Facility Maintenance Superintendent Bill Calderwood; the County Maintenance Dept. does intend to take care of the primary maintenance. Commissioner Richard Howe added that with respect to the water chemistry, the Pool Director samples the water 2-3 times daily, which is something that all Pool Directors do. Director Frances explained that's why being a Certified Pool Operator is part of the requirements, so we will get someone who understands the pool chemistry and how to maintain it. In reply to Commissioner Laurie Carson's question, this person would be in charge of both the McGill and Ely pools; this is noted under item 4 of the Job Description. Director Ricci will take care of the language to make it plural so that it clearly encompasses both. Commissioner Mike Coster made a motion to table this agenda item, pending further staff work on the budget chart and the maintenance work for the pools. Motion died for lack of a second. Commissioner Mike Coster next presented an alternative motion to table this agenda item pending revisions being consistent with the Board of County Commissioners' direction on the multiple pools. Motion died for lack of a second. Commissioner Richard Howe made a motion to accept the Job Description for the Aquatic Facility Director Position and to move forward. Commissioner Laurie Carson amended the motion to include the comments regarding the McGill Pool. During the discussion, it was felt simply changing verbiage in the Job Description to "facilities" where appropriate would be sufficient. Commissioner Richard Howe amended Commissioner Carson's motion to change the language in the Job Description to "facilities" where appropriate. Commissioner Richard Howe seconded the amended motion. Amended motion carried.

additional 30 days. Written comments need to be submitted before April 28th, addressed to the Ely District BLM Office to the attention of Dan Netcher, Project Manager. The public is encouraged to submit comments.

Mr. George Chachas approached the Board with several concerns: On today's agenda, the item to consider waiving permit fees for the pool; he advised that all costs were supposed to be included in the price. He doesn't want to have us masking the extra costs of the project. He's been asking for a copy of the policy on how public officials are supposed to be treated for 2 years and has yet to receive that. This is a new month, and he wants an updated list of home occupation/special use permits; he advised Mr. Alworth's company doesn't show up on the City list. Even with new people coming in and serving on the various boards, no one has ever gotten him the information he has been requesting. Mr. Chachas feels some of the recent improvement projects that have been done around the City should not have been paid for out of RTC funds. Regarding the remodeling of the Ely Times building, if it will cost over \$200,000 the County should sell it, because it would never be recovered. He also cited the incident of a County employee harassing a City employee; was the employee on or off duty, in their designated area, and what was the employee trying to accomplish for the County by causing the harassment; he feels he deserves an answer.

Finance Director Elizabeth Frances thanked CORE Construction for their donation of \$5,000 to the Note and Float Program, to be initiated at both the McGill and new pool facility this summer. He recognized them and thanked them for all their help for looking towards the safety and well being of our citizens.

DISCUSSION/ACTION/DELIBERATION/APPROVAL TO OFFER EMPLOYMENT FOR THE WPC AQUATIC FACILITIES DIRECTOR

Human Resources Director Kathy Ricci provided handouts to the Board and advised that Ms. Janet VanCamp and Ms. Megan Brown were the two top candidates, and the Board is free to deliberate.

Commissioner Mike Lemich advised that his vote would be first for Janet and then for Megan.

Commissioner Richard Howe felt there were 3 people who were qualified, and while it was very close, he selected Megan for Director and Janet as Assistant. Chairman John Lampros selected Janet as Director and Megan as Assistant Director. Commissioner Laurie Carson chose Megan as Director with Janet as the Assistant. Commissioner Mike Coster felt all the candidates were outstanding, and while there seems to be concerns regarding the prescreening and interview process, he felt he would go with Megan as Director. However, he will withhold his vote since we didn't follow procedure. Chairman John Lampros entertained a motion to select the Aquatic Center Director. Commissioner Richard Howe made a motion to select Ms. Megan Brown as the WPC Aquatic Center Director. Commissioner Laurie Carson seconded. A table vote was taken: Motion carried 4:1 with Commissioner Mike Coster abstaining.

DISCUSSION/ACTION/APPROVAL TO OFFER THE AQUATIC FACILITIES ASSISTANT MANAGER POSITION TO ONE OF THE CANDIDATES ALREADY INTERVIEWED

Commissioner Laurie Carson made a motion to offer the Assistant Manager position to Ms. Janet VanCamp. Commissioner Mike Lemich seconded. Commissioner Mike Coster noted that budget information was not provided along with this; Chairman Lampros advised Finance Director Elizabeth Frances handles this. Commissioner Coster continued that this requirement for hiring isn't being followed; we don't know where we are with the cost of the new pool, so again he will abstain from the vote. Chairman Lampros noted the cost of the pool is \$7.1 million and it will be completed ahead of

schedule, we need to leave the pool alone. He interrupted Commissioner Coster and advised there is a motion on the floor. Motion carried 4:1, with Commissioner Coster abstaining; Commissioner Coster cited Section 3.3 in the Personnel Manual as his reason.

DISCUSSION/ACTION/APPROVAL OF JOB DESCRIPTION FOR AQUATIC FACILITIES ASSISTANT MANAGER

Human Resources Director Kathy Ricci noted this will start at Grade 125; it was noted and confirmed by Director Frances that this was included in the pool budget. Chairman John Lampros entertained a motion to approve this as requested. Commissioner Richard Howe made a motion to approve the Job Description for Aquatic Facilities Assistant Manager as requested. Commissioner Mike Lemich seconded. Motion carried 4:1, with Commissioner Mike Coster voting in opposition.

BID AWARDS

DISCUSSION/ACTION/APPROVAL OF BID AWARD FOR OPERATION OF CONCESSION STAND AT MARICH FIELD

Facility Maintenance Superintendent Bill Calderwood advised no bids were received again this year on this, so it will be readvertised once more. If no bids come in, then Maintenance will just clean the restrooms and take care of the other duties the concession stand normally takes care of. Following brief discussion, this item was removed from the agenda for the time being to allow for it to be readvertised.

At 9:20 a.m., Chairman John Lampros recessed the Commission meeting and opened the Liquor Board meeting. At 9:22 a.m., Chairman John Lampros adjourned the Liquor Board meeting and reconvened the regular Commission meeting; although the Fire Commission meeting was scheduled, the WPC Fire District Chief was detained at another meeting.

ROAD DEPT.:

DISCUSSION/ACTION/APPROVAL TO UTILIZE A SECTION OF THE LUND DUMP AS A RESOURCE TO PROVIDE ROAD SURFACE MATERIAL

Road Maintenance Superintendent Bill Miller clarified that this section of land isn't currently a landfill, but a land patent had been received on it in 1991. They are looking at other areas in the County to utilize as dumps; a piece of land was secured, but then the EPA put new restrictions on landfills so the County abandoned it. The patent is for 32 acres West of Lund; it is hoped to use the area for road surface materials. He explained it would be a cost savings to the County. Ms. Trujillo, of the BLM, verified that we hold mineral rights there so there would be no permit required for materials. Superintendent Miller added that the mineral, oil and gas rights expire in 2020. The 1-mile long road leading to the area is already permitted to the Road Dept., so everything is in place and he is here just to ask to use that section for road materials. Chairman John Lampros entertained a motion to approve utilizing the area as requested. Commissioner Laurie Carson made a motion to utilize a section of the Lund dump as a resource to provide road surface materials. Commissioner Richard Howe seconded. Motion carried.

At 9:26 a.m., Commissioner Richard Howe left the meeting briefly. He returned at 9:29 a.m.

**IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON JUNE 25,
2014 IN THE COMMISSION MEETING CHAMBERS OF THE COURTHOUSE ANNEX**

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Linda Burleigh, Ex-Officio Clerk of Board
Susan Lujan, Deputy Clerk

County Officials

Kelly Brown, District Attorney
Debbie Underwood, WPC Assessor
Capt. Scott Henriod, Sheriff's Dept.
Jim Garza, CED Office Director
Megan Brown, WPC Aquatic Facil. Dir.
Bill Miller, Road Maintenance Superint' dt.
Patrice Lytle, Commission Dept. Mgr.
Bill Calderwood, Facility Maint. Superint' dt.
Elizabeth Frances
Lori Romero, Library/Sr. Center Director
Catherine Bakaric, WPC Treasurer

Also Present

Christina Sawyer
Wendy Garrison, CSYC
Wayne Carlson, POOL/PACT
Stephen Romero, Wells Fargo Insurance
Minnie Kingston
Jay Cazier
Ron Miller
Carol McKenzie
Richard Holland
Gary Perea
George Chachas
Nicole Romero
Mindy Seal, BLM
Marty Harpster, CORE Construction

Chairman John Lampros called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. George Chachas approached the Board with several concerns: Regarding the resignation of Mr. Chris Flannery from various boards, he advised the letter isn't in the Commission packet. He asked for an updated list of home occupations/permits, citing Mr. Jim Alworth's business "Got Water" as not being on the City list. He has yet to receive information requested from the Planning Commission Chairman; he is asking the Commission to replace Chairman Carol McKenzie and also the Commission liaison to that board. He still hasn't received information on the estimated cost of remodeling the Times building; he felt we should have some figures by now. Chairman John Lampros suggested Mr. Chachas go to the Building Subcommittee for that information. Mr. Chachas continued that he goes to RTC meetings and their Chairman, Wayne Cameron, isn't providing information he's requested. He added that some projects the RTC completed may be in violation since they should have been done under the auspices of the General Improvement District; no information from them is forthcoming either. Mr. Chachas asked about the rumour of a County employee harassing a City employee, and he asked several questions regarding that incident. Chairman Lampros advised he should check with the District Attorney. D.A. Brown informed the Board that Mr. Chachas had been advised of an answer on that question. Chairman Lampros added that discussions of County personnel are not to be discussed in an open meeting.

of that includes this recruitment. Director Ricci is requesting the Board's permission to go forward. Commissioner Laurie Carson made a motion to approve recruitment of a part-time Technology Technician at 20 hours per week. Commissioner Mike Coster seconded. Motion carried.

AQUATICS FACILITIES:

DISCUSSION/ACTION/APPROVAL TO ADOPT NORTHERN NEVADA AQUATICS SWIM PROGRAM AT WHITE PINE COUNTY AQUATIC CENTER

This item was tabled per request of Aquatics Facilities Director Megan Brown.

FINANCE:

DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2014-14 TO AMEND THE FY2015 BUDGET TO REFLECT TRANSFER OF THE MCGILL POOL OPERATING BUDGET FROM GENERAL FUND (001) TO THE WPC AQUATIC FACILITIES FUND (386) AS OUTLINED IN THE BUDGET DOCUMENTS AND TRACK ALL POOL EXPENDITURES IN FUND 386 - TOTAL AMOUNT OF THE TRANSFER WILL BE \$47,111

This resolution is fairly self-explanatory; Finance Director Elizabeth Frances advised it explains how the transfer will be accomplished from the General Operating Fund into the Aquatic Facility Fund. She added that will make it easier for Aquatic Facilities Director Megan Brown to track all of her programs into just one fund. Chairman John Lampros entertained a motion to approve Resolution 2014-14 as requested. Commissioner Mike Coster made a motion to approve Resolution 2014-14 to amend the FY2015 budget to reflect transfer of the McGill Pool Operating Budget from General Fund (001) to the WPC Aquatic Facilities Fund (386) as outlined in the budget documents and track all pool expenditures in Fund 386 - total amount of transfer \$47,111. Commissioner Laurie Carson seconded. Motion carried.

John Lampros, Chairman
Laurie Carson, Vice Chairman
Mike Lennich, Commissioner
Richard Howe, Commissioner
Mike Coster, Commissioner
Linda Burtleigh, Ex-Officio Clerk of the Board

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White Pine County Board of County Commissioners

Resolution Number 2014-14

Resolution to Augment the FY2015 White Pine County Aquatic Facilities Fund (386) in the Amount of \$47,111 through a Transfer from the General Fund (001) in the Same Amount

Whereas, the FY2015 Final Budget of the McGill Pool was presented in the General Fund (001) for purposes of comparison to prior fiscal years; and

Whereas, the White Pine County final FY2015 budget documentation outlined the proposal to track expenditures for the McGill Swimming Pool in the Aquatic Facilities Fund (386); and

Whereas, the FY2015 amount budgeted for the McGill Swimming Pool in the General Fund (001) was \$47,111.00 which can be transferred to the Aquatic Facilities Fund (386);

Now Therefore Be It Resolved that White Pine County shall augment the FY2015 Aquatic Facilities Fund in an amount of \$47,111 by increasing Transfers In account (386-000-38501-000) and increasing expenditure accounts as follows:

SALARIES AND BENEFITS	
51101 SALARIES AND WAGES	36,600
51203 PACT	1,507
51206 MEDICARE 1,4500 CNTR	522
51208 SOCIAL SECURITY	2,232
NON PAYROLL EXPENSES	
52103 OPERATING SUP & EXPE	4,500
52201 TRAVEL EXP/TRAINING	1,000
52301 TELEPHONE	400
52302 ELECTRICITY	300
52303 WATER & SEWER	650
	<u>47,111</u>

SALARIES AND BENEFITS	
51101 SALARIES AND WAGES	(36,600)
51203 PACT	(1,507)
51206 MEDICARE 1,4500 CNTR	(522)
51208 SOCIAL SECURITY	(2,232)
NON PAYROLL EXPENSES	
52103 OPERATING SUP & EXPE	(4,500)
52201 TRAVEL EXP/TRAINING	(1,000)
52301 TELEPHONE	(400)
52302 ELECTRICITY	(300)
52303 WATER & SEWER	(650)
	<u>(47,111)</u>

It Is Further Resolved that the Clerk of the Board shall forward the necessary documents to the Department of Taxation, State of Nevada.

Passed, adopted and approved the 25th day of June, 2014.

Ayes: 4
Nays: 0
Absent: 1


John Lampros, Chairman of the Board

ATTEST: 
Linda Burtleigh, Clerk of the Board

It Is Further Resolved that White Pine County shall increase Transfers Out in the General Fund (001-501-58102-000) by \$47,111 and decrease all McGill Pool Expenditures (Fund 001, Department 404) as follows:

June 25, 2014

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ELY JUSTICE COURT:

DISCUSSION/ACTION/APPROVAL OF CONTRACT FOR SERVICES WITH ADVANCED DATA SYSTEMS (ADS) FOR THE ELY JUSTICE COURT (WPC) CASE MANAGEMENT SYSTEM IN AN AMOUNT OF \$65,000 TO BE PAID FROM JUSTICE COURT FACILITIES FUND (320)

Chairman John Lampros read the text title into the record and noted there was no representative here for this today. Finance Director Elizabeth Frances explained that the Ely Justice Court works on the ADS program; there are new State requirements for which the program requires a major overhaul. She cited the information in the packets showing funds are available, and noted the monies are utilized at the discretion of the Justice Court Judge. Commissioner Mike Coster commended the contract, noting it is extremely well written; D.A. Brown noted it's a standard contract from ADS. Commissioner Mike Coster made a motion to approve the contract for services with ADS for the Ely Justice Court Case Management System in an amount of \$65,000 to be paid from Justice Court Facilities Fund 320. Commissioner Laurie Carson seconded. Motion carried.

DISCUSSION/ACTION/APPROVAL OF CONTRACT FOR SERVICES WITH ADS FOR THE ELY JUSTICE COURT (WPC) CASE MANAGEMENT SYSTEM MAINTENANCE AGREEMENT IN AN AMOUNT OF \$3,000 ANNUALLY WITH UP TO A 3% MAXIMUM ANNUAL INCREASE TO BE PAID FROM THE ELY JUSTICE COURT ADMINISTRATIVE FEES FUND (317) OR THE ELY JUSTICE COURT COLLECTIONS FUND (321)

It was noted this is the maintenance agreement for the ADS system. Following brief discussion, Commissioner Mike Coster made a motion to approve the contract for services with ADS for Ely Justice Court Case Management System Maintenance Agreement in an amount of \$3,000 annually with up to a 3% minimum annual increase to be paid from the Ely Justice Court Administrative Fees Fund 317, or the Ely Justice Court Collections Fund 321. Commissioner Mike Lemich seconded. Motion carried.

AQUATIC FACILITIES:

DISCUSSION/ACTION/APPROVAL OF NORTHERN NEVADA AQUATICS SWIM PROGRAM AT WHITE PINE COUNTY AQUATIC CENTER

Finance Director Elizabeth Frances cited some concerns she has with this; the community has to allocate \$2,000/month, so the Aquatic Center budget would pay for that, roughly \$24,000/year. Each meet would require a \$600.00 coach fee, for \$2,400/year; also, training for the coaches would run \$3,000/coach, on top of the monthly salaries for the coaches. So roughly the NNA program would cost \$30-35,000/year. WPC Aquatic Center Director Megan Brown explained all these costs are included in the \$2,000/month allocation. Director Frances felt this is an excellent program, but she wanted to know where it would come from in the budget since this wasn't budgeted for, and this is also the first year of operations for the new pool. She recommended caution in committing these funds. Director Brown noted Ms. Ali Swope is here from NNA to answer questions. She added that the costs would have to be worked into the budget; they will be pursuing grants, but have not had the opportunity to do so at this time. Commissioner Richard Howe felt this would be opening "a whole can of worms." He felt if the Board supports this, then we would be approached by every organization in the County to do the same thing. He continued that this should be a club program, as swim teams are actually clubs; it could be sponsored by local businesses, individuals, and even be supported by grants. But in his opinion it doesn't fit within the County's budget. Chairman John Lampros felt this is a great program, but we need to discuss the financial aspects. In reply to a query from Commissioner Mike Lemich, Director Brown advised this would be a County team, and you don't have to be a member of the club to participate. She continued that the High School is interested in doing Physical Education (P.E.) at the pool, and she is discussing that aspect with them, but they aren't interested in doing a swim team at this time. She added we aren't charging them for the P.E. usage, but if they would go forward with swim teams then we should charge. Director

Frances will bring this matter forward at the next Commission meeting; it was part of the conditions that were set forth in the resolution. Chairman John Lampros also recalled the Charter School intention to help provide supervision of their students during their swim sessions.

DISCUSSION/ACTION/APPROVAL OF SPECTATOR FEE FOR WPC AQUATICS DEPARTMENT

Chairman John Lampros advised he's had a lot of parents and grandparents ask why this fee is being considered. WPC Aquatic Center Director Megan Brown indicated that full admission price is being charged for everyone who walks through the door; she is proposing this alternative. She noted that some other pools do charge spectator fees, and she is bringing it before the Board for their consideration. Commissioner Richard Howe had discussed this with various business partners and in looking at other comparables, \$1 is a reasonable fee. He felt as some grandparents and others are on fixed incomes as it is, it would be better than having to charge the full price. Facility Maintenance Superintendent Bill Calderwood recalled this issue coming before the Commission regarding the McGill Pool, and the Board at that time voted that as long as the people weren't going into the water, they wouldn't be charged a spectator fee. Ms. Carol Hunt commented that she went to the Aquatic Center on their first day; they have a great staff and facility, and she doesn't think watchers should be charged anything. If anything, having family present could be an asset, when it comes to controlling the kids in there. Ms. Ann Carson agreed that spectators shouldn't have to pay, since they're not using the pool. Ms. Linda Davies added that the County has many people on fixed incomes, and they simply won't come if they have to pay. Sometimes, especially for the younger kids, it's only for 10-15 minutes, and it isn't reasonable to charge \$1 for that. She noted they are already paying for the pool out of the County taxes. Commissioner Laurie Carson had a concern that we should have equity at both facilities, the McGill Pool and the new Aquatic Center; Director Brown wasn't aware of the differences being charged. Commissioner Carson continued with another matter: In the Aquatic Center there is a set occupancy limit, and it could be taken up by those who are observing as well as the ones who are swimming. Director Brown confirmed there is an occupancy limit for the whole building, and further, due to that limit we would have to turn away swimmers in favor of spectators. Commissioner Carson wants to see how much actual usage the pool gets, to see if an occupancy fee would be necessary. Commissioner Mike Lemich stated that all the towns having pools--Fallon, Eureka, etc.--are comparable facilities, and they don't charge spectator fees. He commented that "recreation isn't free," and furthermore when a parent watches over their kid in a pool it's more beneficial, and they shouldn't be charged. Commissioner Mike Coster agreed, but there are also discipline and control issues. Until there is an actual, physical capacity problem at the pool, he wants to see the spectators not be charged a fee to watch their kids. Mr. George Chachas commented that had he known a fee would be charged, he would have been complaining a long time ago; the taxpayer is paying enough for this as it is, and he felt this is way out of line. Mr. Robertson totally agreed with not having to pay spectator fees, but he felt something should be done to help with the disciplinary issues. He suggested a scenario whereby the high school kids could get in for free and hassle their friends who are swimming, for example. That point was noted by the Board. With that in mind, Commissioner Mike Coster made a motion to waive the entrance and occupancy fees for persons 18 years of age and up, who are accompanying minor children at the pool, for supervision purposes only in the Aquatic facilities and who aren't swimming. He then changed his motion to state we would establish a \$1 fee for occupancy or visiting for non-swimming purposes at the pool that may be waived for family members aged 18 years and up who are not using the pool but accompanying minor children. Director Brown pointed out her Cashier is at the front desk and there are lifeguards at the pool, so monitoring would be an issue. Commissioner Richard Howe felt that what Mr. Robertson brought up was a good point; if we don't include the stipulation of bringing a child in there, then the high school kids would be coming in to harass the swimmers. Commissioner Laurie Carson suggested a hand stamp for spectators; Director Brown noted they already have wristbands available for the Note & Float program, and perhaps another

color of wristbands could be worn by the spectators. Mr. Chachas quipped, "Let's brand 'em!" During the discussion, Chairman John Lampros pointed out that if people come in and start to cause trouble, "the Sheriff's Department is just across the street!" He pulled back to the motion on the floor, and that we are waiting for a second. Commissioner Richard Howe seconded. Commissioner Mike Lemich felt that now the facility is new; he would like to see us wait until everything plays out over its first year. Chairman Lampros took a table vote: Motion failed 3:2. However, Chairman Lampros voted against, which he didn't intend to do; he intended to vote against the spectator fee, and therefore stated he wished to rescind his vote. District Attorney Kelly Brown clarified: The Board approved the spectator fee of \$1, which will be waived for family members 18+ years who will be observing a child. The vote stands.

At 10:33 a.m., Chairman John Lampros recessed the meeting for a break. The meeting was reconvened at 10:46 a.m.

HUMAN RESOURCES:

DISCUSSION/ACTION/APPROVAL OF RECRUITMENT AND FILLING THE POSITION OF MANAGEMENT ASSISTANT SR. AT THE WHITE PINE COUNTY LIBRARY - THIS POSITION WILL BE VACANT ON SEPTEMBER 15, 2014

Human Resources Director Kathy Ricci advised she had discussed this with Library Director Lori Romero, and when this agenda item was prepared she didn't realize we had the option to advertise this as a Management Assistant, which would drop the grade down from Grade 127 to Grade 123. Chairman John Lampros noted we have an IT Department now, and we don't need someone with IT experience in there, as it would be redundant. Commissioner Laurie Carson agreed that computer experience is a must, but adding in IT experience would have a different connotation. Director Romero advised that as part of the Library agreement with CLAN, they do have to have an individual on board with that knowledge. While they also have the County IT, that only involves the staff side; but for the public, she noted, they have to fulfill the requirement for CLAN by having someone with that IT experience. Director Frances pointed out that the County IT Department does have the ability to do that, but it has to be a designated person for the Library. That person could still be the County IT person, she added. Director Romero continued that the Library deals with the public nonstop, and if there is a printer issue it needs to be addressed as soon as possible. She noted that all her staff needs to have computer experience, in dealing with the public constantly. In reply to a query from Chairman Lampros, Director Romero explained that the job requirements changed when Ms. Valerie O'Dell-Flannery came in to a higher rate, to compensate her for her knowledge. Further, September 12th will be Ms. O'Dell-Flannery's last day, and it will be difficult to cover the Library's schedule until someone is found to fill her full-time position. During the ensuing discussion, Director Romero advised the person selected to fill that position must be able to make daily decisions without having to contact her if she is not there, and to have a higher level of skills and responsibilities that the current staff doesn't have. Director Frances suggested a 5% differential could be granted when Director Romero is out of the office and the Sr. Management person could come in at the Grade 123 level instead of Grade 127, which would realize a savings of \$5.00/hour. She noted such a differential has already been approved by the Commission as it's within existing policy. Discussion continued, during which Commissioner Richard Howe noted we will be having some budget issues next March, and if we could get someone in place, start them out with less and then increase their steps as they go along, we would still get the same qualified applicant but at the Management Assistant rate instead. Chairman John Lampros pointed out there is also the 6-month probation period, and he didn't feel we should pay the higher rate to start. He added similar arrangements have been worked out in other Departments with other employees. Commissioner Mike Coster advised this would result in having a non-managerial, full-time employee, and this would save us nearly \$4,000/year by having them

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON SEPTEMBER 10, 2014 IN THE COUNTY LIBRARY CONFERENCE ROOM

The Following Were Present:

County Commission

John Lampros, Chairman
Laurie Carson, Vice-Chairman
Mike Coster, Commissioner
Richard Howe, Commissioner
Mike Lemich, Commissioner
Susan Lujan, Acting Clerk of the Board

County Officials

Patrice Lytle, Commission Dept. Manager
Angie Gianoli, Deputy District Attorney
Elizabeth Frances, Finance Director
Bill Miller, Road Maint. Superintendent
Jim Garza, CED Office Director
Brett Waters, WPC District Fire Chief
Lori Romero, Library/Sr. Center Director
Bunny Hill, Social Services Director
Dan Watts, WPC Sheriff
Kathy Ricci, Human Resources Director
Megan Brown, Aquatics Facilities Director

Also Present

Tiffany Kelly, BCT
Lester Keizer, BCT
Rory Jackson, BCT
Carol McKenzie, Lund Town Council
Rick Stork
George Chachas
Robert Pope
Jill Moore, BLM
Norris Hendrix, Water Advisory Committee
Ann Carson
Linda Nichols

Chairman John Lampros called the meeting to order at 8:02 a.m. and led the Pledge of Allegiance. Chairman Lampros advised the Workshop would be convened after Public Comment.

PUBLIC COMMENT

Mr. Robert Pope approached the Board with a couple of concerns: He maintained there is a drug problem here, with break-ins, and he feels nothing is being done about those things. His primary complaint is that he had some ashes stolen from him, and when he went to the Sheriff's Department about it, he stated he was laughed at. He also resented being asked questions by the deputies when he went to them for help. In short, he wants justice over this and wants someone to come to his home to discuss it. Chairman John Lampros advised he should talk to the Sheriff about this.

Acting Clerk of the Board Susan Lujan advised of a letter that had been requested to be read into the record, from Mrs. Linda Davies. Copies were provided to the Board and the public, and are included in this set of minutes in reduced format. Chairman John Lampros read the letter into the record.

Mr. Rick Stork then spoke, advising that the Sheriff's Department last night had announced they found no wrongdoing by the Mayor and the City Council regarding the railroad break-in; he disagreed with that. He stated that the Mayor plus 2 City Councilmen do not constitute a quorum; also, they were acting on their own, and not in an official capacity. He is asking the Board to review the laws on this, as it should be considered a break-in. Also, since Commissioner Mike Coster was the one who went through the window, he should be charged and action be taken against him, and this shouldn't be wiped under the table.

1

DISCUSSION/ACTION/APPROVAL OF RESOLUTION 2014-30 TO AUGMENT THE FY2015 BUDGET OF THE WPC JUSTICE COURT FACILITIES FUND IN THE AMOUNT OF \$65,000 FROM FUND BALANCE TO COVER THE PURCHASE OF THE SOFTWARE UPGRADES BY ADS APPROVED AT THE 8/27/2014 COUNTY COMMISSION MEETING

Following brief discussion, Commissioner Mike Coster made a motion to approve Resolution 2014-30 to augment the FY2015 budget of the WPC Justice Court Facilities fund for \$65,000 from fund balance to cover the purchase of the ADS software upgrades, which were approved at the 8/27/14 County Commission meeting. Commissioner Laurie Carson seconded. Motion carried.

John Lampros, Chairman
Laurie Carson, Vice Chairman
Mike Lemich, Commissioner
Richard Howe, Commissioner
Mike Coster, Commissioner
Linda Burleigh, Ex-Officio Clerk of the Board

953 Campton Street
Ely, Nevada 89301
(775) 293-6562
Fax (775) 289-2066
wpccommission@newpinesnet.net

**White Pine County
Board of County Commissioners**

Resolution Number 2014-30

Resolution to Augment the FY2015 Budget of the White Pine County Justice Court Facilities Fund in the Amount of \$65,000 from Fund Balance to Cover the Purchase of the Software Upgrades by ADS Approved at the 8/27/2014 County Commission Meeting

Whereas, White Pine County Board of County Commissioners approved upgrades to the White Pine County Justice Court software in an amount of \$65,000 from the Justice Court Facilities Fund; and

Whereas, it is necessary to augment the Justice Court Facilities Fund in order to cover the authorized purchase; and

Whereas, the Justice Court Facilities Fund has adequate fund balance to cover this request (fund balance as of 6/30/2014 is estimated at \$364,019);

Now Therefore Be It Resolved that White Pine County shall augment the FY2015 White Pine Justice Court Facilities Fund by appropriating the Justice Court Facilities Fund Balance in an amount of \$65,000 and increasing the line item for Contract Services (320-301-52915-000) by the same amount;

It Is Further Resolved that the Clerk of the Board shall forward the necessary documents to the Department of Taxation, State of Nevada.

Passed, adopted and approved the 10th day of September, 2014.

Ayes: 5
Nays: 0
Absent: 0


John Lampros, Chairman of the Board

ATTEST:


Linda Burleigh, Clerk of the Board

DISCUSSION/ACTION ON TRACKING SCHOOL USE OF THE WPC AQUATIC CENTER

Director Frances advised that part of the land donation by the School District included free, or no-cost, use of the pool by the students, and so this land donation was accepted. She and School District Financial Officer Paul Johnson will work together to come up with a market value of the land, using a local real estate agent. WPC Aquatic Facilities Director Megan Brown will track all the amounts attributable to the School District use of that facility, and that will in turn be tracked against the donation. Once that is down to \$0.00, we will begin charging them our regular rates. Commissioner Mike Lemich asked where that condition is in the agreement; in the deed, he noted, there were no such conditions. Commissioner Mike Coster advised that it is reported in the Commission minutes back in 2003, that a general statement of free use by the students had been noted. Commissioner Lemich maintained that should have been written somewhere. While Director Frances didn't check the deed, she feels that the intent of the School

District was that would be made with that stipulation, and it's up to the Commission to do what they want to do on this. In good faith, she continued, the School District had donated the land on that basis, and it should be honored in some manner. Commissioner Mike Coster agreed; he doesn't mind collecting the data, but the Commission at that time had agreed not to charge the students. Director Frances reiterated that after the donation bottoms out, then we would be willing to assist with the costs, as she explained. School District Board member Bunny Hill had made the motion, and that was the intent that the School District would work with the County on free or reduced rates. Commissioner Laurie Carson made a motion to move forward with tracking the School District's use of the WPC Aquatic Facility, and that once the value had been determined and that value met by the School District, from there we would determine a reduced cost, based on how long that takes and what the economy is when the value is met. Commissioner Mike Coster had referred to the 2003 minutes, and he cited the deed, but he asked if this current Board shouldn't see the actual deed? Commissioner Laurie Carson explained that if the pool wasn't built within 10 years from the deed, that wouldn't apply. Commissioner Richard Howe wanted to know if we should approve tracking of the School District's use. Chairman John Lampros advised the agenda doesn't involve the deed, it just addresses the School District's tracking of use. Commissioner Laurie Carson restated her motion that we should move forward and track the School District's use of the WPC Aquatic Center Facility. Commissioner Richard Howe seconded. Motion carried.

DISCUSSION/ACTION/ACCEPTANCE OF MONTHLY FINANCIAL REPORTS FOR JULY 2014

Director Frances apologized to the Board that due to scheduling conflicts, no monthly financial reports are available for August 2014 at this time; however, July 2014 is ready to approve. Commissioner Laurie Carson made a motion to accept the monthly financial reports for July 2014. Commissioner Richard Howe seconded. Motion carried.

ADVISORY BOARDS: WATER ADVISORY COMMITTEE

DISCUSSION/ACTION/APPROVAL RE: SUBMISSION OF WRITTEN COMMENT(S) BY THE EXTENDED COMMENT SUBMISSION DEADLINE OF OCTOBER 20, 2014 ON THE U.S EPA AND U.S. ARMY CORPS OF ENGINEERS 4/21/2013 ANNOUNCEMENT OF POLICY AMENDMENTS EXPANDING THE FEDERAL JURISDICTION ON WATER

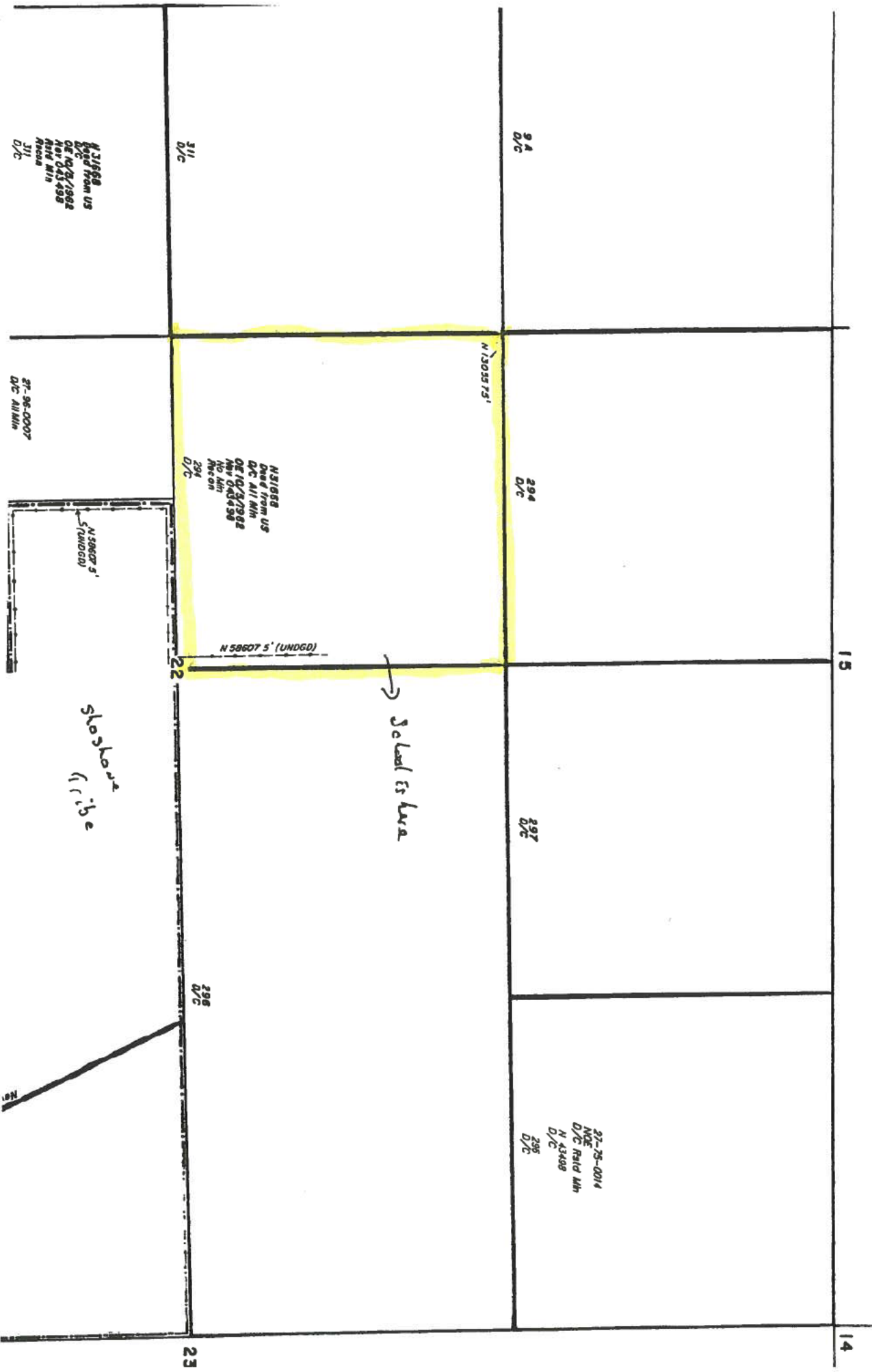
Chairman John Lampros welcomed Mr. Norrix Hendrix, Chairman of the Water Advisory Committee, to the meeting today. Chairman Hendrix advised their committee had drafted a letter for the Board to look at, which is in the Commission packets. He explained that we fall into big waterways, no matter in which direction they lie, whether N-S or E-W. He would like to see the comments approved, and hopefully this will lead to some changes to the Policy Amendments in the future. Road Maintenance Superintendent Bill Miller asked if this involved culverts, new installations, etc. CED Office Director Jim Garza explained that it even covers ditches, anything that flows and attaches ultimately to a United States designated waterway; this is of great concern. Such items as culverts carry water as a perennial flow; the water goes through the ditch/culvert and into a waterway that hits designated water downstream; this is an issue. The answer so far is negative regarding culverts; the Feds are looking at upstream ditches that are not being managed by municipalities right now. He also explained that this was crafted mainly for the ditches back east, which carry into a municipal water system and contaminate it. Chairman Hendrix added that we are located on the Continental Divide. Once over the hill, "everything goes South." The White River system starts there, and he explained how the flows get to the Colorado River, which is one of the longest flow streams, going W-E. The other systems go N-S. White Pine County sits on both flow streams. Following some discussion, Superintendent Miller asked for the worst case scenario, in that if there is an emergency situation here in the County, it could take literally months before it is taken care of; Chairman Hendrix replied in the affirmative. He continued that basically, the Feds are "trying to take the



BLM Packet
Land given
to White Pine
School
District

10\20\2014





294
D/C

294
D/C

297
D/C

27-75-0014
NCE
D/C RAID MH
N 43498
D/C
298
D/C

311
D/C

N 51858
Died from US
D/C All MH
OE 10/2/982
N 43498
No MH
Necro
294
D/C

N 58607 5' (UNDGD)

N 31858
Died from US
D/C
OE 10/2/982
N 43498
No MH
Necro
311
D/C

27-96-0007
D/C All MH

Shogawa
11.13e

→ School is here

23

15

14

TOWNSHIP 16 NORTH RANGE 63 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

Sec	Subdivision	Other Desc	Acres	Kind of Entry	Serial or Order Num	Date of Action	Date Posted	Remarks
22	SENV, N2NWSW.		60.00	Deed from US	NVN31668 NV-96-001	12/1/1995	10/16/1997	
22	SENV, N2NWSW.		60.00	R&P Classification Terminated	NVN31668	12/1/1995	10/16/1997	
22	SENV, N2NWSW.		60.00	R&P Lease Terminated	NVN31668	12/1/1995	10/16/1997	
22	S2N2SW, S2SW.		120.00	R&P Lease Terminated	NVN55760	10/20/1997	11/1/8/1997	
22	SWSW, S2NESW.		60.00	R&P Patent	NVN55760 27-98-003	10/20/1997	11/1/8/1997	
22	S2NWSW, SESW.		60.00	Deed from US	NVN55760	10/20/1997	11/1/8/1997	
18 19 30	SWSE; S2SE, NESW, SWNW, E2NW, NWNE; NENE.		18.18	RW Res	NVN7788	6/6/2000	8/30/2000	Converted 44LD513 to a FLPMA reservation.
16	Lot 4.			PX Segr	NVN76321	4/29/2003	5/5/2003	
17	NESW W/L.	Key 16N 62E	Total 2,589.867	Interim Conveyance	IC 002	9/26/2005	10/1/12/2005	N 80890
25 26 27 34 35 36	SWSW; Lot 4, 5, 7, 9, W2SWSW, S2SE; Lot 10, 11; Lot 1, E2NENE; Lots 1, 2, 5, 7, NENE, W2NWNW; Lot 1, NWNW.	Key 15N62E	Total 3515.10	Transfer of Lands to be Held In Trust for Ely Shoshone Tribe	PL 109-432	12/20/2006	9/10/2008	N 85253
16	Lot 4, excl ME Pat.		38.02	FLPMA Sale	N 87866	8/3/2009	8/19/2009	Per PL 109-432
1 12 13 16 23 24 25 26 27 34 35 36	Lots 1-12, S2SE, S2NE; SE, NE; SESE, NESE, NWSW, SWNW; Lots 1-5; E2SW, SE; W2SW, W2NW; W2NW, NWSW; NE, NW, N2SE, Public lands in SW; E2SENE, Public lands in E2SE; W2NE, W2E2NE, SE; Public lands in N2; SW, SENW.		Total 18,543.00	WdL RMP	N 88048	8/20/2008	7/14/2010	

TOWNSHIP 16 NORTH RANGE 63 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

Sec	Subdivision	Other Desc	Acres	Kind of Entry	Serial or Order Num	Date of Action	Date Posted	Remarks
1	Lots 1-12, S2SE, S2NE; SE, NE; SESE, NESE, NWSW, SWNW; Lots 1-5; E2SW, SE; W2SW, W2NW; W2NW, NWSW; NE, NW, N2SE, Public lands in SW; E2SENE, Public lands in E2SE; W2NE, W2E2NE, SE; Public lands in N2; SW, SENW.	Key 17N65E	Total 18,540.500	Wdl RMP	PL 109-432	12/20/2006	9/19/2013	N 88048
12								
13								
16								
23								
24								
25								
26								
27								
34								
35								
36								
27	Lots 5, 8.		76.92	Patent	27-92-0011	1/14/1992	4/9/2014	Lots incorrectly entered on page 13 as Lots 5, 7.

WHITE PINE COUNTY SCHOOL DISTRICT
BOARD OF SCHOOL TRUSTEES
DAVID E. NORMAN ELEMENTARY SCHOOL GYMNASIUM
1001 E. 11TH STREET - ELY, NEVADA
May 19, 2003 - 6:30 p.m.

REGULAR MEETING

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **CORRESPONDENCE**
5. **STUDENT REPRESENTATIVE REPORTS**
6. **PUBLIC COMMENT** - The Board welcomes public comment at its meetings. Comments must be limited to three minutes in length. Citizens should direct questions, suggestions, and concerns to the Superintendent or a Board Member prior to the meeting. The comments may be discussed; however, the Board prefers not to answer questions during public comment. The Board Chair may ask for public comment before taking a vote on any action item.
7. **ACTION ITEMS**
 - A. **CONSENT AGENDA** (Starred items may be approved in one motion by the Board as its first action of business under Action Items)
 - *B. **MINUTES** - April 29, 2003, May 5, 2003, May 6, 2003
 - C. **OLD BUSINESS**
 1. First Reading - Policy Manual Revision - Policy No. 1080 - Meetings
 - D. **NEW BUSINESS**
 - * 1. Budget Report - FY 2003
 - * 2. Payment of Bills - May 20, 2003
 - * 3. Payroll Report - May 20, 2003
 - * 4. Petty Cash Report - May 20, 2003
 5. Discussion/Action to Approve Proposal from WJE Engineers, Architects & Material Scientists to Inspect White Pine High School
 6. Discussion/Action to Approve Renewal Proposal from Nevada Public Agency Insurance Pool
 7. Discussion/Action to Approve USDA Team Nutrition Training Grant Application
 8. Discussion/Action to Approve Carol M. White Physical Education Program Grant Application
 9. Discussion/Action for Approval to Seek Bids for General, Paper, Computer, Athletic & Janitorial Supplies
 10. Discussion/Action to Donate District Property Located Near White Pine High School to White Pine County for Use of the Community Recreation Center
 - *11. Discussion/Action to Approve Notice of Intent to Provide Home Education - Harold & Diana Robertson
 12. Staffing Matters
 - A. Acceptance of Resignation - Beverly Regele

**DISCUSSION/ACTION TO APPROVE CAROL M. WHITE PHYSICAL
EDUCATION PROGRAM GRANT APPLICATION**

An application for a federal grant in the amount of \$387,441 from the Department of Education entitled the "Carol M. White Physical Education Program" was presented. The grant will provide the District with teacher training opportunities, equipment, curriculum and monitoring equipment designed to help students understand the need for and how to plan for a lifetime of activity.

It was moved by Bunny Hill, seconded by Cheryl Zadow, and passed unanimously to approve the grant application.

**DISCUSSION/ACTION FOR APPROVAL TO SEEK BIDS FOR GENERAL,
PAPER, COMPUTER, ATHLETIC & JANITORIAL SUPPLIES**

Donald Purinton made a motion that the Board approve seeking bids for supplies. Bunny Hill seconded and the motion passed unanimously.

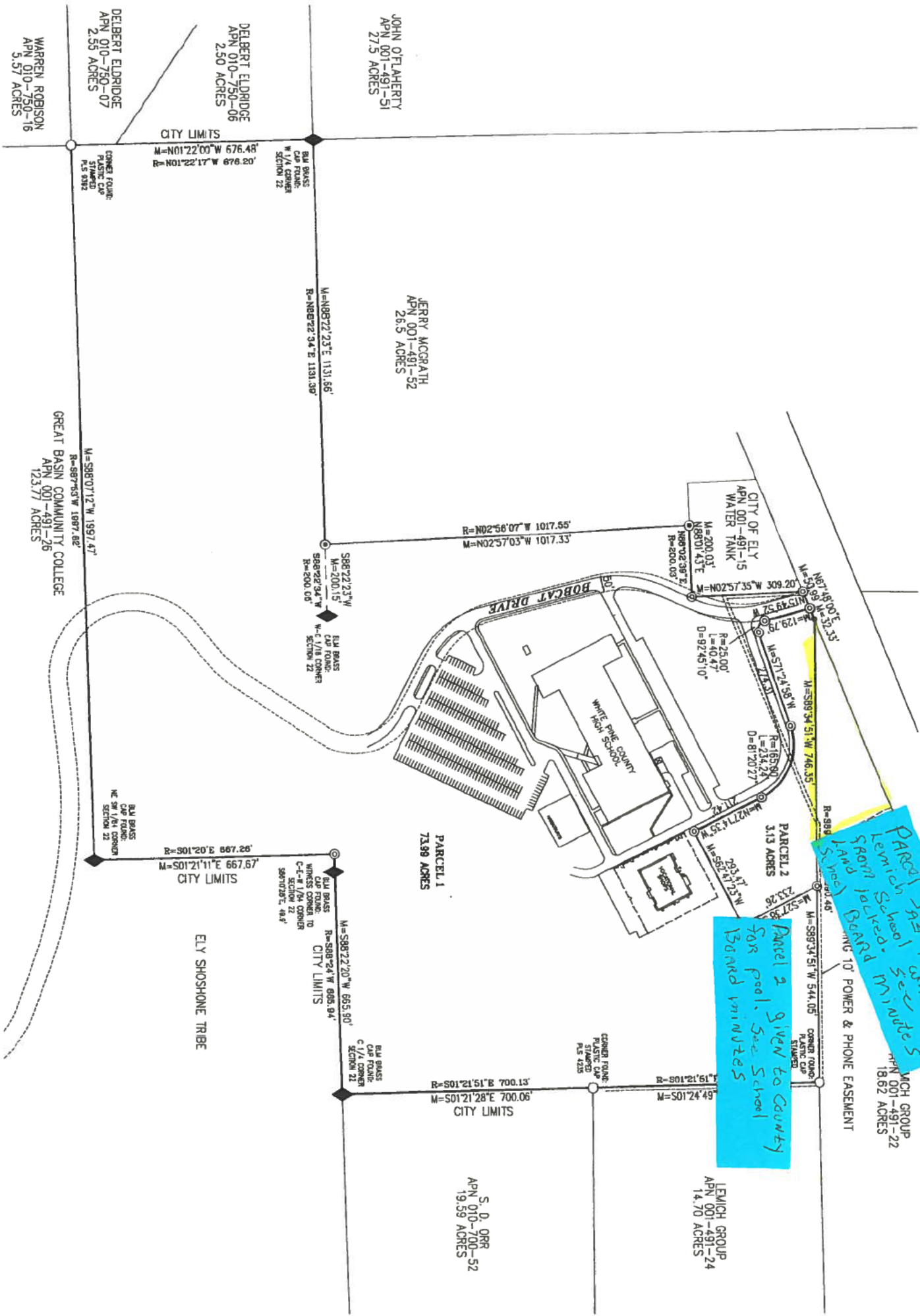
**DISCUSSION/ACTION TO DONATE DISTRICT PROPERTY LOCATED NEAR
WHITE PINE HIGH SCHOOL TO WHITE PINE COUNTY FOR USE OF THE
COMMUNITY RECREATION CENTER**

Superintendent Bob Dolezal explained that the District's architect, Lombard Conrad, at no charge developed an architectural drawing for the White Pine Community Recreation Center to be located on District property adjacent to the White Pine High School Vocational Building.

Paul Johnson indicated this is the first choice of the White Pine Board of County Commissioners. It was proposed that the District donate this property to White Pine County. If necessary, property contiguous to Bobcat Drive has also been made available by Mike Lemich.

In response to a query by Bunny Hill, Legal Counsel Richard Sears advised that if the property is donated and not used specifically for a Recreation Center or something beneficial to the students, the deed could be prepared to include:
1) Power of Termination: The deed terminates and the property returns to the District; or 2) Power of Reversion: The District can start legal action in the court.

Bunny Hill made a motion that the Board donate the property to White Pine County with the stipulation that Legal Counsel include in the deed language that states if it is not built within ten years, it will revert back to the School District, with an extension option, and that students utilizing the facility for school activities will have low cost or free access. Cheryl Zadow seconded and it was unanimous.



Parcel 1 given property
Leach School Sec 1
from Leach Board
Land 10' POWER & PHONE EASEMENT

Parcel 2 given to County
for pool. See School
Board minutes

MCH GROUP
APN 001-491-22
18.62 ACRES

LEACH GROUP
APN 001-491-24
14.70 ACRES

S. D. ORR
APN 010-700-52
19.59 ACRES

PARCEL 1
73.99 ACRES

PARCEL 2
3.13 ACRES

JOHN O'FLAHERTY
APN 001-491-51
27.5 ACRES

JERRY MCGRATH
APN 001-491-52
26.5 ACRES

DELBERT ELDRIDGE
APN 010-750-06
2.50 ACRES

DELBERT ELDRIDGE
APN 010-750-07
2.55 ACRES

WARREN ROBINSON
APN 010-750-16
5.57 ACRES

GREAT BASIN COMMUNITY COLLEGE
APN 001-491-26
123.77 ACRES

N

GHOST TRAIN CONTEST



Garrett Estrada

Nevada Northern Railway volunteer Don Purinton walks down the aisle during the NNRy's annual Haunted Ghost Train on Oct. 18. To win free tickets to the Haunted Ghost Train on Oct. 31, submit pictures of your Halloween costume to The Ely Times by 4:30 p.m. on Oct. 28. Submissions can be brought into The Ely Times Office or via email at elytimes.gary@gmail.com.

Animal Costume Contest

By Melody Van Camp
Ely City Mayor

If you think that your pet is the best, smartest, most adorable, then enter your pet in the loween Costume Contest by Ely Animal Control, Pet Mayor Melody VanCamp.

On Oct. 25, The Pet Costume Contest will be held at Broad. 10:00 am -12:00 noon during the Lions Club Pumpkin Chunkin'. There will be prizes for the scariest, cutest, and the most perfect punch for those costumes. There's plenty of time to win the magic and create that perfect costume. And yes, humans can wear a costume too!

Entry forms can be picked up at Krazy and the Animal Contr. A \$5 fee is required to enter.

HOLIDAY FAIR



This Is Why We Like Mike!

Mike Lemich has a Lifetime of Giving Back to White Pine County

- ★ Acquired matching funds for Cave Lake, Willow Creek and Charcoal Ovens (1968)
- ★ Founding member of the White Pine Little League (1955)
- ★ Donated equipment and labor for: Original and expanded Little League fields, Soccer field at Steptoe Park, Expansion of County Golf Course, Great Basin College, Excavation of geothermal heat field, War Memorial at the county courthouse, Establishment of White Pine County Railroad, McGill Pool improvements, donation of land to White Pine County to build a skate park and year-round swimming pool

YEAH, NOW WE HAVE A POOL!

Pd. Pol. Adv.

Letters to the Editor

Dear Editor,

July 26 -
Aug. 1

First, I would like to thank Commissioners John Lampros, Laurie Carson and Richard Howe for their vote to approve the construction of the aquatic center. I would also like to thank Commissioner Mike Lemich and his family for donating the land for the aquatic center. We have waited 30 plus years for such a facility! They will be a wonderful addition to our community for residents, visitors, but most of all for our youth.

Second, I would like to express my strong opposition to the recently filed Notice of Intent to Recall Commissioners Lampros and Lemich. I would also like to show my support for decisions made by both commissioners Lampros and Lemich concerning the inter-local agreement and the County Annex building. The Inter-Local agreement to consolidate Fire and Emergency Medical Services (EMS) is a smart move. Many cities and counties, both urban and rural are consolidating these services and the com-

munities they respond to are benefitting from this consolidation. Consolidating these services will: reduce the duplication of services between the City and County, give legal basis for entities to operate outside jurisdictional boundaries, provide more opportunities for training, facilities, staffing levels and most importantly decrease response times.

In regards to the County Annex building, I agree it needs to be replaced. Buying rather than renting for an unknown number of years is a reasonable decision. The Ely Times building, despite the unreasonable comparison in the recall, is a good candidate to replace the County Annex. The recall inaccurately compared the Ely Times with the County Annex stating "purchasing the Ely Times building with unknown problems, possibly with as much age and probably with as many problems as the current structure." Let us remember the County Annex building is 100 years old, the Ely Times building, built in 1997, is only 16 years old, in my opinion there appears to be no reason for the recall and a recall election would impose an unnecessary financial burden on the community.

Sincerely,
Cheryl Nakashima

see minutes Feb. 13, 2013
Director Francis comment: School
donated property for use of pool for
designated number of years.



**STATE OF NEVADA
COMMISSION ON ETHICS**

704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279

<http://ethics.nv.gov>

Request for Opinion No. **14-79C**

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Mike Lemich, Member, White Pine
County Board of Commissioners,
State of Nevada,

Subject. /

NOTICE TO SUBJECT OF REQUEST FOR OPINION

Pursuant to NRS 281A.440(2) and NAC 281A.410

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics (Commission) received a Request for Opinion (RFO) alleging that you may have engaged in conduct contrary to certain provisions of Nevada Revised Statutes (NRS) Chapter 281A.010-281A.550, the Nevada Ethics in Government Law. Pursuant to NAC 281A.405, the Commission's Executive Director and Commission Counsel have determined that the RFO was properly filed and the Commission has jurisdiction to consider allegations implicating the following statutes. (See sections checked below)

✓	Statute	Essence of Statute:
✓	NRS 281A.020(1)	Failing to honor commitment to avoid conflicts; appropriately separating personal and public roles.
	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of public duties.
	NRS 281A.400(2)	Using position to secure or grant unwarranted privileges, preferences, exemptions or advantages for self, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
	NRS 281A.400(3)	Participating as government agent in negotiating or executing a contract between the government and a business entity in which he has a significant pecuniary interest.
	NRS 281A.400(4)	Accepting a salary, retainer, augmentation, expense allowance or other compensation from any private source for performing public duties.
	NRS 281A.400(5)	Acquiring, through public duties or relationships, information which by law or practice is not at the time available to people generally, and using it to further the pecuniary interests of self or other person or business entity.

	NRS 281A.400(6)	Suppressing governmental report or other document because it might tend to unfavorably affect pecuniary interests.
	NRS 281A.400(7)	Using government time, property, equipment or other resources for personal or financial interest. (Some exceptions apply.)
	NRS 281A.400(8)	State Legislator using government time, property, equipment or other facility for a nongovernment purpose or for the private benefit of himself or any other person, or having a legislative employee, on duty, perform personal services or assist in a private activity. (Some exceptions apply.)
	NRS 281A.400(9)	Attempting to benefit personal or financial interest by influencing a subordinate.
	NRS 281A.400(10)	Seeking other employment or contracts through official position.
	NRS 281A.410	Failing to file a disclosure of representation and counseling a private person before public agency for compensation.
√	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest for which disclosure is required.
√	NRS 281A.420(3)	Acting on a matter in which abstention was required.
	NRS 281A.430	Engaging in contracts in which the Subject has an interest.
	NRS 281A.500	Failing to timely file an ethical acknowledgment.
	NRS 281A.510	Accepting an improper honorarium.
	NRS 281A.520	Causing a government entity to support or oppose a ballot question or candidate.

A copy of the RFO is attached. You may also find the relevant provisions of NRS and NAC, including newly Adopted Regulations, LCB File No. R048-14 ("R048-14"), and a searchable database of Commission Opinions on the Commission's website at www.ethics.nv.gov.

Pursuant to NAC 281A.405 (as amended by R048-14), you may submit a request in writing to the office of the Commission not later than **10 days** from receipt of this notice for the Commission to review this jurisdictional determination. If you appeal the determination, the Requester will be provided an opportunity to respond and you will be notified of the date set for the Commission's review and final determination of jurisdiction. With no appeal of jurisdiction, the Commission will accept jurisdiction and initiate its investigation of this matter.

Pursuant to NRS 281A.440(3), upon the Commission's acceptance of jurisdiction, you may submit a written response to these allegations **within 30 days**. A lack of response on your part is not deemed an admission that the allegations are true.

Pursuant to NRS 281A.440(3) through (6), the Commission's process is as follows:

1. Within 70 days after the Commission's acceptance of jurisdiction, the Executive Director investigates the allegations and makes a written recommendation to a two-Commission-member investigatory panel whether just and sufficient cause is present for the full Commission to render an opinion in the matter.

2. Within 15 days after the Executive Director provides a written recommendation, the investigatory panel considers the RFO and related materials and makes a final determination regarding whether just and sufficient cause exists for the Commission to hold a public hearing and render an opinion.
3. If the investigatory panel determines that just and sufficient cause exists, within 60 days after the panel determination (unless the statutory timelines are waived), the Commission will conduct a public evidentiary hearing and render an opinion whether the public officer or employee's conduct violated provisions of the Ethics in Government Law.

You may be entitled to representation by the attorney advising the public department or body you serve. Please notify the Commission if you will be represented by counsel.

Swift resolution of the RFO is beneficial to all concerned; however, you may waive any or all deadlines set forth by statute or regulation in this matter. A waiver of statutory time is enclosed. You may request an extension of or waive any of the statutory deadlines by submitting the waiver to the Commission's office as soon as possible.

Except as otherwise provided in NRS 281A.440, the Commission will hold its activities in response to this RFO (and even the fact that it received the RFO) confidential until its investigatory panel determines whether just and sufficient cause exists to hold a hearing and render an opinion. However, the Commission has no authority to require the requester to do so. As a result, information may appear in the media. Rest assured that the Commission will not be the source of any public information until the investigatory panel has completed its review and has rendered its determination. You will be provided notice of the Panel Determination.

If you have any questions regarding this notice, please contact me at (775) 687-5469.

Dated this 3rd day of December, 2014.

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Commission Counsel/
Acting Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the **Notice to Subject** addressed as follows:

Mike Lemich, Commissioner
White Pine County Board of
Commissioners
297 11th Street East, Suite 2
Ely, Nevada 89301

Cert. Mail # 9171 9690 0935 0037 6371 60

Dated: 12/3/14.


Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party
Request for Opinion Concerning the
Conduct of **Mike Lemich**, Member,
White Pine County Board of
Commissioners, State of Nevada,

Request for Opinion No. **14-79C**

CONFIDENTIAL

Subject. /

NOTICE REGARDING JURISDICTION

On or about November 24, 2014, the Nevada Commission on Ethics ("Commission") received Third-Party Request for Opinion ("RFO") No. 14-79C submitted by Cheryl Noriega alleging that Mike Lemich ("Subject"), Member, White Pine County Board of Commissioners, failed to disclose conflicts between his private interests and the interests of the public.

On or about December 3, 2014, the Commission notified Subject and Requester of its acceptance of jurisdiction and intention to investigate the allegations set forth in the RFO.

During the course of the Commission's investigation, Commission staff discovered a simultaneous pending civil action lawsuit before the Seventh Judicial District Court in White Pine County, Case No. CV-1307113, filed by Mike Lemich against Cheryl Noriega et al on July 25, 2013, which included causes of action regarding similar issues and facts that are identified in the RFO. The Commission temporarily deferred its investigation and extended the time for a written response to the RFO by the Subject pending communication with the Court that the Commission would proceed with its investigation.

PLEASE TAKE NOTICE that the Commission will now exercise its jurisdiction and initiate its investigation. The Subject may file a written response to the RFO not later than 30 days after receipt of this Notice.

DATED: March 2, 2015

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Executive Director

CERTIFICATE OF SERVICE


I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **NOTICE REGARDING JURISDICTION** in Request for Opinion No. 14-79C, via Email and U.S. Mail, addressed as follows:

Richard W. Sears, Esq.
Richard W. Sears Law Firm
333 Murry Street
Ely, NV 89301
Attorney for Mike Lemich

Email: rwsears@me.com

Cheryl Noriega
P.O. Box 674
#4 Ave. H
McGill, NV 89318

DATED: March 2, 2015



Darci Hayden, Senior Legal Researcher



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party
Request for Opinion Concerning the
Conduct of **Mike Lemich**, Member,
White Pine County Board of
Commissioners, State of Nevada,

Request for Opinion No. **14-79C**
CONFIDENTIAL

Subject. /

**AMENDED NOTICE REGARDING JURISDICTION AND
EXTENSION OF TIME**

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On or about March 2, 2015, the Commission notified Subject that it would initiate its investigation in the matter, and Subject was provided 30 days to file a written response to the RFO. On or about March 25, 2015, Subject by and through his counsel, Richard W. Sears, Esq., requested an extension to file a Response to the RFO, which is not opposed.

PLEASE TAKE NOTICE, the Commission has granted the request for an extension to file a Response. The Subject may file a written response to the RFO on or before Thursday, April 23, 2015.

DATED: March 26, 2015

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **AMENDED NOTICE REGARDING JURISDICTION AND EXTENSION OF TIME** in Request for Opinion No. 14-79C, via Email and U.S. Mail, addressed as follows:

Jill C. Davis, Esq.
Associate Counsel
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: jilldavis@ethics.nv.gov

Richard W. Sears, Esq.
Richard W. Sears Law Firm
333 Murry Street
Ely, NV 89301
Attorney for Mike Lemich

Email: rwsears@me.com

Cheryl Noriega
P.O. Box 674
#4 Ave. H
McGill, NV 89318

DATED: March 26, 2015



Employee, Nevada Commission on Ethics

BEFORE THE NEVADA ETHICS COMMISSION
STATE OF NEVADA

IN THE MATTER OF
A Third Party Request for
Opinion concerning the Conduct of
Mike Lemich, White Pine County
Commissioner, et al

**MIKE LEMICH'S RESPONSE TO CHERYL
NORIEGA'S REQUEST
FOR AN ETHICS OPINION**

The requester, Cheryl Noriega, currently a defendant in a defamation lawsuit filed against her by Mike Lemich, seeks a ruling from the Nevada Commission on Ethics to determine whether or not Mike Lemich, former commissioner, violated his ethical duties in three ways:

- 1) When the County purchased the Ely Times building, Mike's daughter had an interest in Desert Mountain Realty who represented the Ely Times and White Pine County in the purchase. Supposed Minutes and an ad were included in the request.
- 2) Conflict of interest in discussions and support of Midway Gold who are opening mines in White Pine County. Lemich owns company contracting with Midway, minutes, employer newsletter, and BLM comment form included.
- 3) Construction of White Pine County Aquatics Center. District Attorney Kelly Brown told Mr. Lemich it was his decision to abstain or not. He owns property adjacent to the real property which could raise property values. He abstained sometimes because of his claim of having donated the property for pool. I believe he had a conflict but also was not totally honest about the donation and future school participation. Minutes (Commission, School Board) maps, news and a letter included in packet.

Mr. Lemich will address these statements in the order in which they were presented to the board.

1. ELY TIMES BUILDING PURCHASE CONFLICT OF INTEREST DUE TO HIS DAUGHTER'S INTEREST IN DESERT MOUNTAIN REALTY.

The issue here is whether or not Mike should have abstained from voting on the action item after disclosure. NRS 281A.420 requires a disclosure of a pecuniary interest before either voting or abstaining from voting on an action item. Mike fulfilled his ethical duty by investigating his daughter's relationship with Desert Mountain Realty and determining the absence of the necessity of a disclosure because there was no financial benefit to be gained by the vote; neither to himself nor his daughter.

In analyzing an abstention issue, two principles are in tension: 1) commissioners are elected to vote, they have a duty to bring their judgment to matters of import to

county government, versus, 2) commissioners should not engage in corrupt practices by voting on matters that benefit the financial interest of the commissioner or a statutorily forbidden person.

Disclosure helps citizens understand when a conflict exists by shining daylight onto the business interests of a commissioner. Having determined the absence of any conflict, what should a commissioner do?

At the outset, Mike's daughter Sonja does not have an interest in Desert Mountain Realty. Mike's daughter is a real estate agent in White Pine County, Nevada. She is an independent contractor. She can sell for Desert Mountain Realty (DMR), or remove her license from their wall and take the license to any other real estate company in Nevada. Accordingly, Sonja receives no benefits from DMR other than commissions on sales that she handles as listing or selling agent. Furthermore, Sonja was not the listing agent for the Ely Times Building. Sonja was not the selling agent for the Ely Times Building. Sonja received no proceeds from the sale of the Ely Times Building. When her father, Mike, asked about her role and benefit from the Ely Times Building, Sonja advised Mike she had no interest in either DMR or in the sale; similarly, Sonja received no funds directly or indirectly from the sale. Sonja does not know the monthly or annual sales volume for DMR, and has no access to the financial information of the company. Sonja has no control or power over the acts of DMR.

In order for a conflict to exist, a public official must receive some benefit from a particular act, or some person within a specific degree of consanguinity or other forbidden relationship must exist and that person must receive some benefit.

In this case, there is no evidence that Sonja received, and Sonja did not receive, any benefit from the sale of the Ely Times Building to White Pine County. Some might argue that if DMR ceased business because of poor sales volume, Sonja might be harmed. This is wrong. If DMR went out of business for sale issues, (or any issues for that matter) Sonja can immediately move to their competitor in town and participate in what amounts to a new monopoly on sales. To claim that Sonja has some inchoate benefit because she is an independent contractor for the company that sold a building the county bought --- when she did not participate or gain from the sale --- is nonsense. If Sonja received no benefit, Mike received no benefit.

There was no improper benefit in this case and this issue of the complaint should be dismissed.

2) CONFLICT OVER MIDWAY GOLD.

Mike Lemich supported the Pan Project. The Pan Project was a proposed gold mine located an hour's drive east of Ely, Nevada. The project is closer to Eureka, Nevada than it is to Ely, Nevada. The Pan Project is now engaged in gold mining operations.

While thinking about his support for the Pan Project, Mike was initially concerned that, because he had sold a well to Midway Gold, there might be a conflict of interest. However, during the time Mike was commissioner, the sale of the well was complete. The sale took place before he was a commissioner. After thinking about his duty as a

commissioner to vote versus his duty to avoid conflicts, Mike reasonably determined there was no disqualifying conflict. The well that Mike sold to Midway Gold was not associated with the Pan Project. The well was many miles from that location and was, and never had been, of any possible use to the Pan Project. It would be impossible to pipe water from the well Mike sold Midway Gold to the Pan Project mine site. Also, Midway already had a water well for the Pan Project at the time Mike was serving as a commissioner.

Ely is a small, isolated, mining community. The major sources of revenue in town are government and mining. It is approximately 3.5 hours to the nearest Walmart in Elko, Nevada in good weather; it is four hours to any other Walmart stores. The County and City have expended an important portion of tax revenues on attracting businesses to town. In fact, the County has an office and staff dedicated to attracting new business development. It was not unusual for the County Commission to support a mining operation in Ely. To fail to support a mining operation would likely result in adverse election consequences. The economy and development have been in such difficult straits in the County that Assemblyman Pete Goicoechea introduced a bill to authorize a vote to dissolve the City Government this year. The reasonable supposition is too few taxpayers to support two governments. County residents had already voted in a general election to consolidate services between the two governments in a prior election cycle.

Mike did not stand to gain financially from his decision to support the Pan Project. The Pan Project puts money into the County coffers by way of Net Proceeds tax. The Pan Project puts money in the City coffers by way of Consolidated Taxes through increased sales and uses. Mike would benefit no more and no less than any other citizen of the County by having one more tax paying entity contributing to the well-being of the County. The fact that Mike sold a well to Midway Gold is an anomaly for the Pan Project and the success of Midway Gold. Noriega claims that Mike's company contracts with Midway Gold: That claim is false. Mike's company did not ever contract with Midway Gold and does not have one today, and has never had a construction contract with Midway.

There was no conflict in this instance and this complaint should be dismissed.

3) MIKE'S PROPERTIES ADJACENT TO THE AQUATIC CENTER INCREASED IN VALUE BECAUSE A SWIMMING POOL WAS CONSTRUCTED ON LAND MIKE DONATED FOR A SWIMMING POOL IN 2003.

This is pure speculation unsupported by the facts. Mike owns a substantial amount of property in White Pine County. In fact, more than 20 years ago, Mike bought a company called Ely Securities. Ely Securities owned --- and now Mike owns --- a twenty foot buffer around the original Ely city limits. It also appears Mike owns A Street in East Ely, since no one ever bothered to transfer the street from Ely Securities to the City of Ely either before or after the street was constructed. While Mike does own, on paper, the real estate described above, it is of no practical value. But Mike does have some real property with value.

Mike purchased, for fair market value with partners more than fifteen years ago, a large parcel sited at the corner of Highway 6 and Great Basin Highway. The parcel is more than 30 acres and would be an excellent site for a Motel, Casino, Truck Stop, or Shopping Mall. Any large commercial or retail structure could be constructed at that location.

In 2003, Mike gave a small parcel of less than two acres to the County for the construction of a swimming pool. The piece he gave away was West of his larger parcel and North of the high school. The County wanted to use a portion of his parcel for a skateboard park for the young people to play and lawfully use their skating equipment. The County eventually built a skate board park on the property that is also adjacent to the new pool site and West of Mike's larger parcel. Mike received from the County exactly zero dollars at the time of donation. Mike received the same amount, zero dollars, from the County for the property since the donation.

The size of the donated parcel is so small in relation to the other properties that Mike owns as to be unable to affect the value of the nearby larger real estate sites Mike owns that are east of the Pool.

The allegations by Noriega are that Mike benefits by a County building being placed on the property he gave to the County. Mike was elected to office several years after the donation. Mike gave the property to the County for a swimming pool after the County asked for the donation from him. The County accepted the property because it had no indoor swimming pool and needed and wanted an indoor swimming pool. Mike's benefit: Construction of a pool on his former property, that as a citizen, he could swim in. At the time of the donation in 2003, the benefit, if any, was already set. The benefit was *de minimus*. The benefit to Mike was exactly the same for every other business in the area and for every other citizen in the county. They all had the benefit of a swimming pool nearby. However, even that benefit was diminished to Mike specifically by the loss in value of a parcel that appraised for more than \$115,000 in 2003. See attached appraisal.

Moreover, no one can calculate the benefit Mike received from the existence of a swimming pool building, because no one can quantify the increase in value of a 30+ acre parcel by having a County pool constructed nearby. Much of the property near the swimming pool is undeveloped sagebrush flats. A map of the location is included for the commissions review.

However, Mike's property is, and has been, adjacent to McDonalds, the County Sheriff's office, a Credit Union, a High School and a Private School, a Subway, Gas Station, City Fire Hall, and Taco Time. It is therefore difficult to calculate how an Aquatic Center could materially add to or increase the value of Mike's corner property in terms of future development. Mike's location immediately abutting major highways and location near a Supermarket, fast food restaurants, a police station, fire station and high school already provide ample benefits and economic opportunity. One more County building among the many service-related businesses in the area cannot be seriously alleged to provide some additional benefit to Mike. Perhaps if Mike opened a swimming pool supply store, a bathing suit shop, or some other swimming-related retail business next to the Aquatic

Center, there could be some truth to the allegation. But Mike had no such business in the past and has no future plans for such a business. Unfortunately, there are not enough customers in White Pine County to make such a limited produce retail enterprise succeed --- and certainly not enough retail potential from customers who enter and leave the pool every day for a swim.

Frankly, there are three factors that make Mike's corner property valuable: A Sheriff's office across the street, a Fire Station across the street, and a central location on two major highways. I have yet to hear a single, sensible argument that the property value rises from the proximity of a swimming pool. Is a swimming pool going to increase traffic flow more than McDonald's? McDonald's is already known to place their business in high traffic areas. McDonald's predates the swimming pool by more than fifteen years. In other words, more than 15 years ago, McDonald's identified its current location directly across the street from Mike's property as a high volume, high traffic area. All this traffic occurred without the elusive benefit of a swimming pool nearby.

Mike received no improper benefit in this instance and this complaint should be dismissed.

In summary, this complaint is without substance in fact and without legal merit. It is the act of a frustrated, angry, citizen who holds a grudge because she was sued for slander when she properly deserved to be sued. Noriega has engaged in a campaign of lies about Mike without truth in fact or legal justification, and Noriega has been personally embarrassed in the public's eye. This case should be dismissed as meritless. If sanctions were available, they should be granted to Mike for the fees Mike has been required to pay to defend against another baseless and false attack by a serial deceiver.

APRIL 21, 2015

____/s/____
RICHARD W. SEARS, 5489
457 Fifth Street
Ely, Nevada 89301
775.289.3366

AFFIDAVIT OF SONJA LEMICH ALMBERG

STATE OF NEVADA

ss.

COUNTY OF WHITE PINE

SONJA LEMICH ALMBERG, affiant, makes this affidavit of her own personal knowledge, except for those matters stated on information and belief, and as to those matters she reasonably believes them to be true.

Affiant is an independent real estate sales person who is licensed by the State of Nevada. Affiant's license is at the Desert Mountain Realty (DMR) location in Ely, Nevada. The principal competition in White Pine County is Angela Simpson, Broker and Agent. Desert Mountain is the largest and oldest real estate agency in White Pine County, Nevada.

If, for some reason, they went out of business, Affiant could take her license to any other real estate company she chooses. Affiant has an excellent reputation throughout Nevada and has many contacts throughout the State.

Affiant has no financial affiliation with DMR other than being paid her contract commissions on sales or listings. Affiant does not know DMR's earnings, costs or profits.

Affiant received no commission on the listing or sale of the Times building. When affiant's father asked, Affiant assured him Affiant received no benefit whatsoever from the transaction.

Affiant has read the foregoing Response to the Noriega Complaint and the facts alleged therein respecting the sale of the Times Building are true of my own personal knowledge.

Subscribed and Sworn to before me this
22 day of April, 2015.

Cynthia Lee Schuster
Notary Public

Sonia Lemich Almberg



William M. Tessler
Real Estate Appraiser & Consultant

William M. Tessler
Certified General Appraiser
State of Nevada #00077

Airport Center
1281 Terminal Way, Suite 205
Reno, Nevada 89502
(775) 827-3505
Fax (775) 323-6651

October 13, 2003

White Pine County Board Of County Commissioners
Court House Annex
801 Clark Street
Ely, Nevada 89301

Attention: Jack Norcross, Commissioner
(775/289-4457)

RE: Complete Appraisal Presented
In A Summary Report Of The
66,592± Square Foot Estab-
lished Parcel 3B (The Most
Westerly Portion Of A.P.N.
01-491-22), Located On The
Southerly Side Of U.S. High-
way 6, Just Easterly Of Bob-
cat Drive, Within The City
Limits Of Ely, White Pine
County, Nevada

Dear Commissioners:

Pursuant to the request of Commissioner Jack Norcross, I have made a personal inspection of the above captioned established subject parcel which is being split from the larger, The Lemich Group, LLC, parcel which is located at the southwesterly corner of U.S. Highway 6 and U.S. Highways 50 and 93, within the southwesterly city limits of Ely, White Pine County, Nevada. The established subject parcel is triangular in shape with 566± feet of frontage/access on the southerly side of U.S. Highway 6, just easterly of that facility's intersection with Bobcat Drive, which provides access into the White Pine County High School complex and other county facilities. Said parcel is zoned General Commercial (C-2) and has slightly sloping and undulating brush covered topography with a gentle overall downward slope in a northeasterly fashion.

White Pine County Board Of County Commissioners
Court House Annex
Attention: Jack Norcross, Commissioner
October 13, 2003

The purpose of this appraisal assignment was to estimate the market value of the fee simple interest in the established vacant subject parcel as of a current date.

As a result of my market investigation and analysis summarized in this Complete Appraisal presented in a Summary Report, it is the opinion of this appraiser that the market value of the fee simple interest in the established subject 66,592± square foot Parcel 3B (of parcel map draft for the Lemich Group, LLC for land to be divided in portions of the North Half of Section 22, Township 16 North, Range 63 East, Ely, White Pine County, Nevada), which is the most westerly portion of A.P.N. 01-491-22 located on the southerly side of U.S. Highway 6, just easterly of Bobcat Drive, within the southwesterly city limits of Ely, White Pine County, Nevada (under the specified Limiting Conditions contained herein), as of the current date of September 25, 2003, was:

ONE HUNDRED FIFTEEN THOUSAND DOLLARS

(\$115,000.00).

If you have any questions or if I can be of any further assistance in this appraisal assignment, please do not hesitate to contact me at my office.

Very truly yours,

William M. Tessler
Certified General Appraiser
State Of Nevada
Certification No. 00077
(Expiration 4/30/05)

WMT:nt
File No. E03-034

White Pine County Board Of County Commissioners
Court House Annex
Attention: Jack Norcross, Commissioner
October 13, 2003

The purpose of this appraisal assignment was to estimate the market value of the fee simple interest in the established vacant subject parcel as of a current date.

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ONE HUNDRED FIFTEEN THOUSAND DOLLARS

(\$115,000.00).

If you have any questions or if I can be of any further assistance in this appraisal assignment, please do not hesitate to contact me at my office.

Very truly yours,

William M. Tessler
Certified General Appraiser
State Of Nevada
Certification No. 00077
(Expiration 4/30/05)

WMT:nt
File No. E03-034

ELY TIMES

Serving
Pine County
since 1921

Weekend • May 17, 2003 • Our 83rd year • No. 58 • (775) 289-4491 • P.O. Box 150820 • 297 Eleventh St. E



Armed
Forces Day
Salute

Silver State
Classic
Challenge
Road Race
Programs

In Today's Edition

Weather:

Partly cloudy Friday night with light winds — low 31-41. Partly cloudy skies for the rest of the weekend with a slight chance of afternoon and evening showers on Saturday with daytime light winds — high 65-75 on Saturday; low 28-38. Sunday's high 64-74. Mostly clear skies Monday and Tuesday — lows 25-35; highs 65-75. Partly cloudy Wednesday and Thursday — lows 35-45; highs in the 70s.

Legals:

Today's Legals on Pages 7 & 8:

- ✓ Public Comment (Rehabilitation Div.)
- ✓ Intent to Impound (Forest Service)
- ✓ Notice of Sale (Davis)
- ✓ Public Hearing (Brd. of Commissioners)

Obituaries:

Today's Obituaries on Page 3

- ✓ Joan M. Rogantine

Silver & Gold:

Gold (CMX) prices were \$355 per troy ounce as of 1:30 p.m. yesterday. Silver

Commission site for pool

But commission nixes land swap with Lemich

By Kristi Fillman
Ely Times Correspondent

White Pine County Commissioners on Wednesday okayed a site for the proposed new swimming pool.

The vote was unanimous for a site recommended by the Swimming Pool Advisory Committee. It is located just north of the vocational building at White Pine High School. The location belongs to the school district and the commission will need to await approval of the site by the school board.

Commissioner Jack Norcross, a member of the pool advisory committee, reported on several proposed locations that were considered near the high school.

"All of these sites came about because of the school district's desire to have it located in their proximity," Norcross said. "They're going to be the biggest user of it and I think everybody recognized that you help them out, you help the community out too."

The commissioners also discussed a small triangle of private land between the school district property and the U.S. Highway 6 Bypass, which belongs to Mike Lemich. The advisory committee recommended acquiring the parcel through a land exchange to give the pool highway frontage. However, a new plan presented by Norcross showed the pool and parking lot would fit on the school district parcel. The plan was drawn at no

cost by the school district's architect.

A number of concerns regarding the site came up during the meeting regarding the Lemich parcel.

Commission Chairman David Provost said the commission received a letter from Bill and Holly Wilson of Ely who said the commission should reject the advisory committee site recommendations. He read their concerns into the record:

A.) "The public was unaware that private property owners would be part of the proposal process. (The Wilson's) own five acres that they'd like to donate or sell for a modest price and would not demand any county land in exchange.

B.) "Concerning highway frontage attractive to tourists: We suggest you look at the county's parcels by the golf course, Marich Field or fairgrounds, and decent signage on both ends of town.

C.) "The site is not safely accessible to small folks who would be the primary summer and after-school users. They do not drive and practically all have working parents. There is no signal nearby.

D.) "Commissioner Paul Johnson is a school district employee and may have a conflict of interest.

E.) "The pool committee had just rubber-stamped the White Pine County Family Recreation Center group's plan — an over-expansive vision, repudiated by many local people."

See Pool, Page 6

urday, May 17, 2003

Pool...

Cont. from Page 1

F) "The commission's integrity will be tainted if its choice is publicly perceived as cronyism or an inside deal. Also if Mr. Lemnich's swap goes through, are we in so much of a hurry that this can't be done with proper assurances to the public?"

During the public comment period, George Chachas of Ely said if the commission was going to consider private lands, then it should open up debate for other sites. He said it needs to be out in the open at a time when people can attend.

Commissioner John A. Chachas said he received phone calls about the swap and said he thought it would be premature to send it to negotiations.

Provost said he received a phone call from George Panagopoulos of Ely who said there should be no decision without a public hearing.

Provost responded, "They tried to get as much public input as they could... from everyone involved. It's unfortunate that apparently some people think that they can make money off this by selling property for these items."

"It's not that the pool committee looked for property he (Lemnich) specifically owned or anything else. They're trying to place it in the best area for community."

Norcross responded to the charges saying that a number of

these concerns had been addressed during the public meetings and that these people didn't attend any of the meetings.

Provost said due to a potential bottleneck with the property's access from Bobcat Drive, the county may have to approach Lemnich later for an access road across his property or for signage.

"Everything that's proposed fits on school district property," Provost said. "However, if there was a request or a need for ingress or egress or signage to come directly off the Bypass, a piece would need to be traded or purchased or swapped from the only property owner in the area — Mike Lemnich," he said. "Let's wait until the site is selected and then address ingress issues."

Norcross said, "We did address safety at the site selection meetings. At any other site safety is a concern also."

Commissioner Chachas said they may have to look into access for bike riders, putting in lights and traffic control.

"Those are things we're going to have to discuss," he said.

Regarding the area by the golf course, Norcross said, "A year ago,

that was my first selection. But it just makes sense to have it close to the schools. They will be the number one users."

"I really have to take exception to the 'cronyism' (comment)," he added. "I think that if we do pursue a trade, the county is going to be the beneficiary on that. This is supported by the Tourism and Rec Board to try to get highway exposure."

Regarding a possible conflict of interest for Johnson, Provost said "That in no way is appropriate... He will receive no financial gain or benefit from the school district donating land to the county for a swimming pool."

Commissioner Gary Perea suggested a two-step approval process.

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First, to begin work with Lemnich to get both parcels and then, if things don't work out, use the plan for the school district parcel as a back up.

But Commissioner Chachas said, "I think what is creating some heartburn for some people is the plan for trading with Mr. Lemnich. So if we could possibly avoid that part of the deal and... that might be a premature agenda item."

Consequently, the next item on the agenda for the district attorney to begin negotiations with Lemnich for a property exchange was tabled.

Before surveying can begin, the commission will wait for approval by the school district, then wait to make sure the Legislature gives final approval for the 1/8 cent sales tax hike.

That request, AB208, passed the Nevada Assembly and Senate and has been signed by Gov. Kenny Guinn, Johnson announced Thursday afternoon.

ES

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Commissioners pick for pool project

Commission nixes swap with Lemich

cost by the school district's architect.

A number of concerns regarding the site came up during the meeting regarding the Lemich parcel.

Commission Chairman David Provost said the commission received a letter from Bill and Holly Wilson of Ely who said the commission should reject the advisory committee site recommendations. He read their concerns into the record:

A.) "The public was unaware that private property owners would be part of the proposal process. (The Wilson's) own five acres that they'd like to donate or sell for a modest price and would not demand any county land in exchange

B.) "Concerning highway frontage attractive to tourists. We suggest you look at the county's parcels by the golf course, Marich Field or fairgrounds, and decent signage on both ends of town.

C.) "The site is not safely accessible to small folks who would be the primary summer and after-school users. They do not drive and practically all have working parents. There is no signal nearby.

D.) "Commissioner Paul Johnson is a school district employee and may have a conflict of interest.

E.) "The pool committee had just rubber-stamped the White Pine County Family Recreation Center group's plan — an over-expansive vision, repudiated by many local people."

See Pool, Page 6

So Lemich offers to donate pool parcel

By Kristi Fillman
Ely Times Correspondent

"This has been quite a roller coaster ride," Jack Norcross said Thursday about the swimming pool site selection process.

Norcross, a White Pine County Commissioner and member of the swimming pool advisory board, also serves on the county's Tourism and Recreation Board, which plans to use a recent room-tax increase to pay off the yet-to-be-made loan to build the swimming facility.

Norcross told the tourism board that he had spoken with Ely land-owner Mike Lemich after Wednesday's county commission meeting. The pool advisory committee had suggested a pool site near White Pine High School that would have required a land swap with Lemich.

He told Lemich the commission decided to locate the pool entirely on school district property because they'd had some complaints about the possible land deal.

But Lemich asked Norcross if the county would take the prop-

erty as a donation. The property is about 1.6 acres and would give the swimming pool about 575 feet of highway frontage on the U.S. Highway 6 Bypass. The tourism board members expressed surprise that Lemich would be willing to donate the property.

"That's a pretty prime piece of property he's willing to hand over," board member Shane Bybee said.

There were related items on the board's agenda, which included funding an appraisal and survey of the Lemich property. But since the county decided not to use the land, board members tabled that item.

Chairman Chuck Christensen noted an appraisal of the Lemich property would have to be done anyway to establish its value for tax purposes and the survey will still need to be completed if it were accepted as a donation. The board then discussed the timing of funding and whether it would come out of the budget this fiscal year or next.

Pool committee to recommend site

By C.F.DINGEY

Ely Times Correspondent

The White Pine Swimming Pool Advisory Committee has selected what it feels is the best site for the proposed swimming pool. The committee had several sites to choose from, all worthy, but made its decisions based on several options.

Of the sites under consideration, several of those were first proposed by the now-defunct White Pine Recreation Center group, including a site near Ave. M. Others under consideration were two locations near the White Pine High School and the community college, and others.

The site the committee has decided on is located just off the U.S. Highway 6 Bypass and Bobcat Drive. It could include highway frontage, which would be the intent of the White Pine Tourism & Recreation Board. The tourism board could, in theory, generate up to \$400,000 for the project. Their funding in the project is intended to improve tourism in the area, and the highly visible highway frontage would be in the best interest of the community.

Several things would have to happen to make this site the ultimate place for the new swimming pool.

Part of the land in question for the project would have to come from the White Pine County School District. And part would have to come from a local property owner in the area.

The local property owner would have to be willing to trade some of his land for a property of like value that the county currently owns.

This would mean the county would have to seek funding from the tourism

See Pool, Page 10

Pool . . .

Cont. from Page 1

board to do a survey of the properties in question to be used in the project. In addition, there would have to be an appraisal of the properties. The county could then enter into negotiations with the property owner to trade county property of like value.

According to County Commissioner and swimming pool advisory board member, Jack Norcross, "There have been several meetings about site location, and this site fits the bill, for a lot of reasons."

Norcross said there were no objections to this site from the board members or those concerned residents in attendance. He also said there will be two agenda items on the May 14 county commission agenda concerning the proposed swimming pool. One item will deal with the commissions acceptance of the recommended site, and one item would deal with entering into negotiations with the private property owner about the possible land swap.

"We have to jump through some hoops, identifying the site, then some preliminary engineering studies would have to be done. The tourism and recreation board will help us find some grant money as well," Norcross said.

He pointed out the majority of the land to be used for the project will come from the school district.

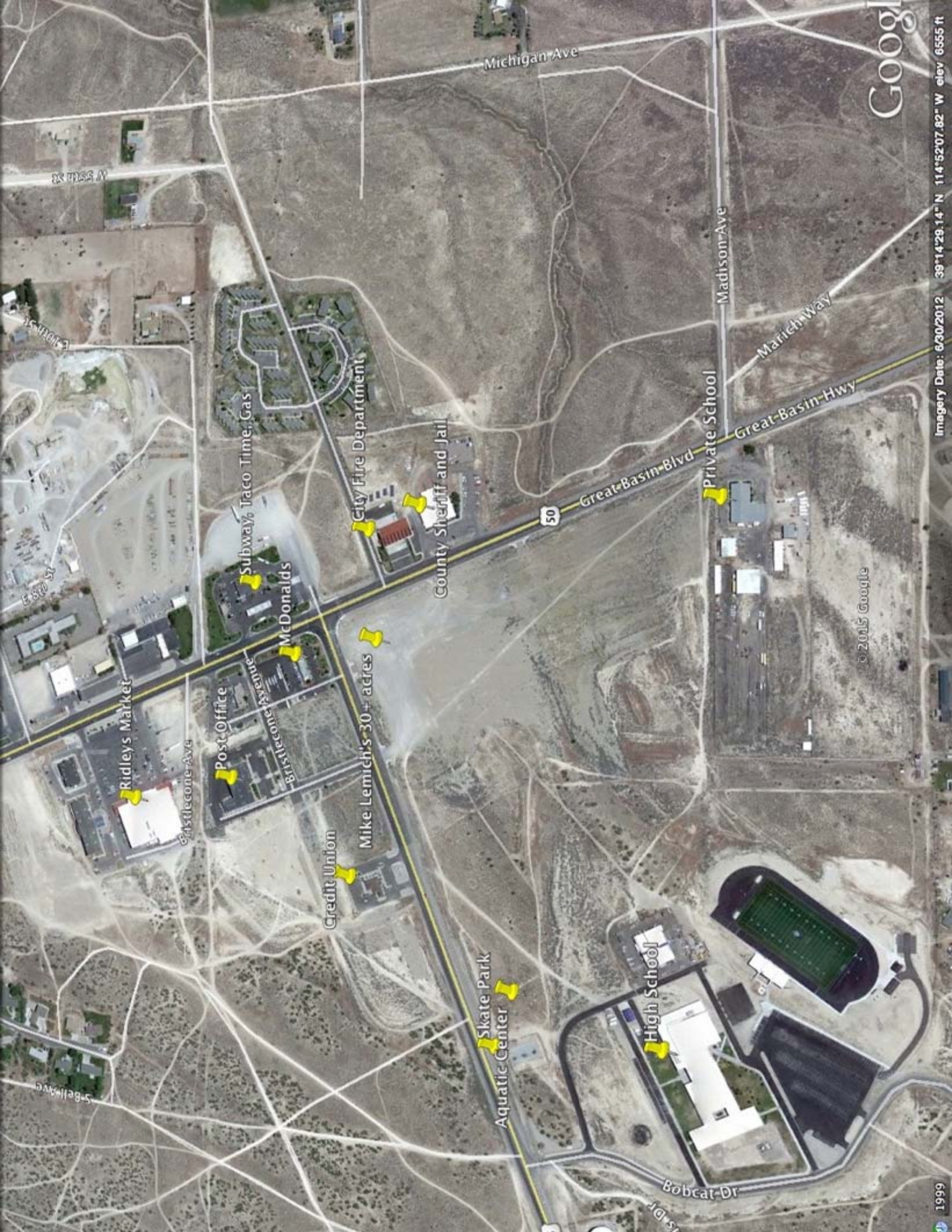
"We expect the school district to be the biggest user of the new pool, given its location," he said.

He also said, "We wouldn't be able to do any of this if the voters

hadn't approved the (1/4 cent) sales tax hike."

According to Norcross, once all the "hoops" are cleared, then the easy part starts.

"Then all we have to do is come up with about 2 million dollars," he said with a sly chuckle. "Just a small thing..."



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Imagery Date: 6/30/2012 39°14'29.14" N 114°52'07.82" W elev 6555 ft

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1999





STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Mike Lemich, Member, White Pine
County Board of Commissioners,
State of Nevada,

Request for Opinion No. **14-79C**

Subject. /

NOTICE OF HEARING

PLEASE TAKE NOTICE, that the Nevada Commission on Ethics ("Commission") will consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Third Party Request for Opinion No. 14-79C at the following time and location:

The Hearing Will Take Place:

Wednesday, September 16, 2015 at 1:00 p.m., or as soon thereafter
as the Commission is able to hear the matter, at the following
location:

**Desert Regional Center
1391 S. Jones Blvd.
Las Vegas, NV 89146**

If the Proposed Stipulated Agreement is approved, it will serve as the final Opinion in this matter. If the Proposed Stipulated Agreement is not approved, the Commission will issue an Amended Notice of Hearing setting the date, time and location for a hearing to consider the matter.

DATED: August 24, 2015

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **NOTICE OF HEARING** in Request for Opinion No. 14-79C, via Email and U.S. Mail, addressed to the parties and interested persons as follows:

Jill C. Davis, Esq.
Associate Counsel
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: jilldavis@ethics.nv.gov

Richard W. Sears, Esq.
Richard W. Sears Law Firm
333 Murry Street
Ely, NV 89301
Attorney for Subject

Email: rwsears@me.com

Cheryl Noriega
P.O. Box 674
#4 Ave. H
McGill, NV 89318

Email: cheryl_noriega@yahoo.com

DATED: August 24, 2015



Employee, Nevada Commission on Ethics

AGENDA ITEM 4

NEVADA COMMISSION ON ETHICS
THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

RECEIVED
MAR 30 2015
COMMISSION
ON ETHICS

15-21

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: (Last, First)	Melody Vancamp	TITLE OF PUBLIC OFFICE: (Position: e.g. city manager)	Mayor
PUBLIC ENTITY: (Name of the entity employing this position: e.g. the City of XYZ)	City of Ely		
ADDRESS: (Street number and name)	501 Mill ST	CITY, STATE, ZIP CODE	Ely NV, 89301
TELEPHONE:	Work: 775-289-2430	Other: (Home, cell)	E-MAIL: mayorvancamp@elycity.com

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here ☒ if additional pages are attached.

On December 11, 2014 Melody Vancamp chaired a meeting regarding the reallocation of \$435,000 for an aeration project to replace a section of the Sewer on Murry ST. Once this project is complete, the City plans to repave a section of Murry ST, and install new curb and gutter and sidewalk. Melody failed to disclose that she owns property 746 Murry ST. And 1125 Murry ST. I believe Melody used her position to better herself financially, as property values will increase when the project is complete. Previously this money was budgeted for the aeration project, a bigger priority. As the Director at the time, I would not allow new pavement until the utilities were replaced. By not replacing the Sewer on Murry ST this fiscal year, it delayed the paving project at least a year. By canceling the aeration project and reallocating the funds to Murry ST. it will allow the project to proceed in this fiscal year.
Melody also failed to file timely ethical acknowledgement after being appointed last year.

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body? If yes, describe:

unknown

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input checked="" type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input checked="" type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input checked="" type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #1)		Councilmen Bruce Setterstrom, Marty Westland, Sam Hansen and Dale Derbidge.		
ADDRESS:		501 Mill ST	CITY, STATE, ZIP	Ely NV, 89301
TELEPHONE:		Work: 775-289-2430	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:		I believe all four councilmen are aware that Melody owns the above property.		

NAME and TITLE: (Person #2)				
ADDRESS:			CITY, STATE, ZIP	
TELEPHONE:		Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:				

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).

Attach all documents or items you believe provide credible evidence to support your allegations. [NAC 281A.435\(3\)](#) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) 25.

7. REQUESTER'S INFORMATION:

YOUR NAME:	Ron Jenkins		
YOUR ADDRESS:	9 Carson CT	CITY, STATE, ZIP:	Ely NV, 89301
YOUR TELEPHONE:	Day: 775-296-1489	Evening:	E-MAIL: ronjwwtp@yahoo.com

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.



Signature:

3-24-15

Date:

Ron Jenkins

Print Name:

You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703



Forms submitted by facsimile will not be considered as properly filed with the Commission.

[NAC 281A.255\(3\)](#)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

MEETINGS OF THE:

- **ELY CITY COUNCIL**
- **W. P. HIST. RAILROAD FOUND. BOARD OF TRUSTEES**

December 11, 2014 4:00 p.m. – White Pine Aquatic Center – 1111 Veterans Blvd. – Ely, Nevada.

1. Mayor Van Camp called the Regular Meeting of the Ely City Council to order at 4:00:46 PM , led in the Pledge of Allegiance, Sue Winder offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

Mayor Van Camp
Councilman Bruce Setterstrom
Councilman Dale Derbidge
Councilman Marty Westland
Councilman Sam Hanson

City Staff present:

City Clerk Robert Switzer
Public Works Director Ron Jenkins
City Attorney Richard Sears
City Engineer B.J. Almberg
City Fire Chief Ross Rivera
Building Official Brad Christiansen
Minutes Clerk Jennifer Lee

Regular Meeting of the Ely City Council December 11, 2014

Also in attendance: Members of the public were asked to sign in and the sign-in sheet appears below.

Ely City Council
PLEASE PRINT YOUR NAME
Please print your FIRST & LAST name clearly for the
attendance list.
12-11-14

<u>JACK VAN CAMP</u>	<u>Shirley Gresham</u>
<u>John Anderson</u>	<u>Patsy Carson</u>
<u>Wesley Carson</u>	<u>Ernest Carson</u>
<u>Blake Smith</u>	<u>Dee Smith</u>
<u>Gary Foster</u>	<u>Mike Foster</u>
<u>Sam Davis</u>	<u>Joan Van Camp</u>
<u>MARIA TETER</u>	<u>Barbara Walker</u>
<u>Luay O'Brien</u>	<u>Shirley Purinton</u>
<u>Mike O'Brien</u>	<u>James and Rosemary</u>
<u>George Chachas</u>	<u>Tammy Carlsson</u>
<u>Linda Hastings</u>	<u>Harold Leary</u>
<u>John and Joan Connors</u>	<u>Robert Walker</u>
<u>Terri Buchanan</u>	
<u>Tommy Locke</u>	
<u>Robert Lee</u>	
<u>Tom Purinton</u>	
<u>Kevin Brown</u>	
<u>Charles Estrada</u>	
<u>Debra Larson</u>	

Ely City Council
PLEASE PRINT YOUR NAME
Please print your FIRST & LAST name clearly for the
attendance list.
12-11-14

<u>Lee Hill</u>	<u>Kimberly</u>
-----------------	-----------------

Mayor Van Camp read Councilman Lee's letter appearing below.

December 11, 2014

RECEIVED

Mayor and City Council
501 Clark Street
Ely, Nevada 89301

DEPT: 12-11-14

Dear Mayor and City Council:

After weeks of careful consideration I have decided to submit my resignation as city councilman effective immediately.

It has been a pleasure working with you, and I trust you will appoint a new councilman who is as interested in continuing to improve the city as I am.

Sincerely,

Randy Lee
Randy Lee

Regular Meeting of the Ely City Council December 11, 2014

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding whether County Commissioner Lampros received a variance; whether Campton Street was narrowed; the White River Museum's rates; and Senator Pete Goichoechea's landfill billing.

Rick Stork stated I'd like to know why Councilmen Hanson and Derbidge did not buy excavation permits when they had their curb/gutter put in.

Councilman Derbidge stated you're wrong on that.

Rick Stork stated I checked with City Hall and they don't have one on file, unless you did it after the fact today.

Councilman Hanson stated we didn't do it because I contacted the City Engineer and he said it wasn't necessary.

Rick Stork stated it is, anytime that you dig in the City right-of-way.

Councilman Hanson stated I asked the proper City official and he has the authority to say . . .

Rick Stork stated he's wrong, so he should pay the fine for you. It says right on the excavation permit; your building inspector will tell you it's always been that way. You're using your position as a City Councilman to get favors from your City Engineer.

Mayor Van Camp stated that's enough.

Rick Stork stated I'd like to know what the \$40.00 check paid to *Van Camp Towing* was for and what the \$94.00 the City paid to *Sew Krazy* was for.

Mayor Van Camp stated the money paid to me was for Animal Control uniforms and I've done those year after year.

Rick Stork stated there are other businesses in town that do sewing and with the position you're in, it should be put out to bid.

Mayor for Van Camp for *Van Camp Towing*, I'm not sure what my brother did.

3. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Fire Chief Rivera stated I was saddened to have a funeral for Patrick Simon, one of our volunteers; he was a great asset to the whole community. This weekend is our annual house to house drive, so we will be utilizing some of the City vehicles.

Fire Chief Rivera's blotters are on file at City Hall.

- POLICE CHIEF

Sheriff Watts' blotters are on file at City Hall.

Regular Meeting of the Ely City Council December 11, 2014

- CITY CLERK

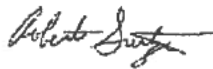
DATE: December 5, 2014

TO: Mayor Van Camp

RE: Update on FY2014 Audit

Mayor Van Camp and Council Members,

Last meeting I mentioned the City had been granted a one month extension from the State of Nevada on our audit per the request for our auditors. I talked to the head auditor, McKay Hall, and there is an actuary report we are waiting on which is scheduled to be done by this Friday. The report is for calculating post-employment benefits such as pension obligations and is now a requirement for governmental entities. Moving forward, I would anticipate an earlier start on the report next audit. According to McKay, the audit is due to the Council by December 31st and submitted to the State by January 31st.



Robert Switzer
City Clerk

DATE: December 5, 2014

TO: Mayor Van Camp
Members of the City Council

FROM: Robert Switzer, City Clerk

RE: Financial Report (July-October 2014)

Cash Positions

FNB - Revolving Loan Fund	\$ 70,936.40
FNB - Ambulance Fund (New acct.)	2,479.31
FNB - Contingency Funds	6,493,022.13
FNB - General Checking	2,135,751.77
BoFA - General Checking (10/31)	13,003.92
BoFA - Ambulance Fund (10/31)	175,186.40
Totals	\$8,890,381.09

General Fund

Revenues are close to budget with \$645,142.83 received through the end of October and annual budget of \$1,907,875. CTX revenue is on target with receipt of \$401,439.05 and an annual budget of \$1,202,218. Total expenditures are holding a little under budget at \$646,579.12 which is 28.8% of budget.

Proprietary Funds

Our three Enterprise Funds, Water, Sewer, and Landfill, are positive in revenue over expenditures. Attached is the printout for the funds.

Road/Street Fund

Road tax revenues have picked up somewhat making them much closer to our budget. However, expenditures are still above revenues collected. A printout is attached.

- CITY ATTORNEY

City Attorney Sears stated he had no report.

• PUBLIC WORKS DIRECTOR

Date: December 1, 2014
To: Mayor, Council and Board Members
From: Ron Jenkins, Public Works Director
Subject: Monthly Report

Parks and Cemetery:

During the Month of November the crew spent time winterizing the sprinkler systems. They also spent time preparing the ice skating park at the old terrace park. We are now waiting on cold weather. The crew assisted in cutting weeds on main St, trimming trees at cemetery and parks, finished the fence around Broadview Park. Raised and repaired fifteen headstones.

In case anyone is wondering, we do burials in the winter months.

Burials - 5 Cremations - 1

Landfill:

Landfill operations continue to run in compliance with NDEP. Tom is near completion of the permit modification, including recycling. The thirty day comment period will begin around December 5, 2014. Top soil is being excavated for the perimeter drainage ditch.

Equipment Maintenance:

Landfill loader and grader serviced. All other equipment is current.

Tons of Waste:

Year to Date; Class 1, 7026.91 Daily average; 21.62

Year to Date; Class 3, 6894.19 Daily average; 21.21

Wastewater Treatment Plant:

The Wastewater Plant is running good with no violations to report. ^{ie}Stephany Hunkeler and Bruce Ashby are doing a great job keeping maintenance, operation and compliance sampling up to date. The centrifuge is running good with no new problems to report.

Water Sewer:

The SCADA site at the courthouse tanks is having issues with the solar charging system. As we speak, we are having power run to the site and should have permanent power installed by tomorrow. During the power outages, the 17th & M well started multiple times on needed. This mistake is being corrected. Stephany Burdick has been assigned cross connection control inspections and enforcement. Stephany has done an outstanding job with compliance sampling on the water system and I am confident we will see the same results with CUCP.

There were no water service replacements during the month of November. We did have a main break on 459 Autumn St.

Sewer Backups:

- 450 3rd St.
- 890 Ave C
- Bell Ave

Street Department:

All equipment maintenance is up to date and operational. All sanders and snow plows are ready to go when the snow flies.

If anyone has any questions or concerns, please feel free to contact me anytime.

- **CITY ENGINEER**

City Engineer Almberg reviewed the City Smaller Maintenance Projects list appearing below and stated we've been working with Ross to prepare for a January fire inspection on our water system. We're working with the Landfill to get their 2nd Half report done. We needed to extend stock watering rights being used on the Georgetown Ranch, so hopefully we can get to a certificate and won't have to deal with this annually. We're compiling our two CDBG applications. We're going to prepare the legal exhibits for encroachment on Winter Road and Rich will then prepare an easement agreement. We're also working on RTC projects and the Avenue C extension from the Golf Course to 15th street.

City Smaller Maintenance Projects

12/2014

Cedar Street sewer and water extension.

- Extremely long service connections and the City have recently had problems with these.

Bell Ave Main.

- Existing 4" waterline on Bell between Aultman and Campton Street is old and has the potential of failure

Upper Bell Ave.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

Court House Tanks Overflow.

- Overflow line has several leaks that in current pumping conditions for RW-6P and RW-7P is constantly leaking during the cooler months of low water use.

Morley Avenue.

- Pressures are inadequate in this area and a booster pump needs to be installed

Main Water Valves.

- Replace various malfunctioning main valves around town

Fire Hydrants.

- Adding additional fire hydrants around town

Raise Manhole Lids.

- Raise various manhole lids around town.

Belfort Avenue.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

- **CITY BUILDING OFFICIAL**

Building Official Christiansen stated I have nothing at this time.

4. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITY BOARD.

A. OLD BUSINESS

1. Board Members –*Robinson Nevada Mining Company (RNMC)* representative – Discussion/For Possible Action – Update to the Utility Board on the *Robinson Nevada* Development, Ruth Pit Development and water mitigation efforts within the City of Ely.

Councilman Derbidge stated the Utility Board requested a static water level report.

Public Works Director Jenkins stated I did try to contact Blair today and did not get in touch with him. They also requested GPM: 1300 GPM for RW-6P and 1800 GPM for RW-7P; I emailed that out to everybody.

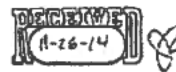
B. NEW BUSINESS

1. Board Members – Public Works Director Jenkins – Councilman Lee – Discussion/For Possible Action – Consideration to establish a voluntary recycling program, along with *J & M Trucking*, at the City of Ely Landfill.

Councilman Derbidge, referring to the *J & M Trucking* proposal appearing below, stated this came from a discussion on recycling with Councilman Lee, the Mayor, Tony Locke and myself; we came up with an idea for Tony to put some containers at the dump – the City would pay rent on them - to extend the life of the Landfill and help the environment.



November 26 2014



City of Ely
501 Mill Street
Ely, NV 89301

SUBJECT: INTERIM LANDFILL SITE RECYCLING PROPOSAL

Gentlemen:

J & M Trucking, Inc. proposes the following:

- Placement of up to four (4) forty yard enclosed-top roll-off bins at site designated by Ely landfill operator, to be used for sorting of recyclable materials overseen by landfill operator at a cost of \$120.00 per unit per month
- At landfill request J & M will replace loaded containers with empty ones at a cost of \$25.00 per occurrence. J & M will weigh and process all materials produced and report tonnages to the City of Ely. J & M will be entitled to the value of all materials produced
- The term of this agreement shall be for a minimum of six (6) months at which time the City of Ely and J & M will re-evaluate procedure and costs
- J & M will require 90 days lead time to procure roll-off bins.

Please contact me with any questions at (775) 289-4355

Sincerely,

J & M TRUCKING, INC.

A handwritten signature in cursive script that reads 'Tony Locke'.

Tony Locke
President

Tony Locke of *J & M Trucking* stated it is simply putting containers at the Landfill that the Landfill operation could oversee, so garbage is not thrown in there. When the bin is full, we'll swap it out and incorporate it into our recyclables.

Mayor Van Camp stated this is a large cost for you to get the bins.

Tony Locke stated it is significant, but I'm excited we're finally going to incorporate that approach to the Landfill.

Councilman Setterstrom asked how many bins?

Tony Locke stated we're proposing four.

Mayor Van Camp stated all the small communities around the State are doing recycling, but us: Eureka, Fernley and Lovelock.

Tony Locke stated what we're doing is not economically viable; I'm not making money on this. Nobody else will do what I'm proposing for the cost that I'm asking. The payoff to us as a community is every day we can extend the life of that Landfill.

Mayor Van Camp stated eighty percent of all plastic bottles end up in the Landfill; it takes a thousand years for a bottle to disintegrate and Styrofoam cups take five hundred years.

Councilman Derbidge stated to see if it's economically viable for the City and for Tony, you have to have a test.

Tony Locke stated I'm making a \$15,000.00 investment for us to do this.

Councilman Westland moved to accept *J & M Trucking's* recycling proposal for a six month trial period. Councilman Setterstrom seconded the motion.

Councilman Derbidge stated the Utility Board approved this, with the six month trial starting when the bins are up.

Mayor Van Camp stated it's only a matter of time before the government makes us recycle.

Councilman Westland's motion carried unanimously.

2. Board Members – Public Works Director Jenkins - Discussion/For Possible Action – Consideration to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley behind the proposed *Family Dollar Store*, to be located at 14th and East Aultman.

Councilman Derbidge stated we already granted *Family Dollar* permission to use asphalt in the alley and now they want to use concrete; the Utility Board granted permission if their drainage plan is approved by the City Engineer.

City Engineer Almberg stated they've cut down that alley and we want to make sure we get a plan that doesn't affect the neighbors' access.

Councilman Derbidge moved to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley at 14th and East Aultman with the provision that their drainage plan must be approved by the City Engineer. Councilman Hanson seconded the motion.

City Engineer Almberg stated I want to make sure we don't allow parking to creep into that alley.

Building Official Christiansen stated if we're going to do that, let's add they have to put up NO PARKING signs.

Councilman Derbidge amended his motion to add that NO PARKING signs be placed by *Family Dollar Store* in the alley. Councilman Hanson amended his second to include the same. The motion carried unanimously.

3. Board Members – Public Works Director Jenkins - Discussion/For Possible Action - Approval or disapproval of renewal of prior emergency services Interlocal Agreement for Water Operator Services between the McGill-Ruth Consolidated Sewer and Water General Improvement District and the City of Ely.

Councilman Derbidge stated the Utility Board passed this, but wanted a ninety-day day time frame from 12-11-14 to give Ruth-McGill time to go over their agreement and come back. It's been going on six months and we haven't got anything in writing.

Public Works Director Jenkins stated in this agreement, there's an additional \$500.00 a month, on top of our hours we're doing.

Councilman Derbidge moved to approve the renewal of the prior emergency services Interlocal Agreement for Water Operator Services with the McGill-Ruth Consolidated Sewer/Water GID for ninety days, starting today. Councilman Hanson seconded the motion. The motion carried unanimously.

4. Board Members – Councilman Derbidge – Councilman Setterstrom – Discussion/For Possible Action – Reallocation of \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Derbidge stated the Utility Board wants to finish the Aeration project to complete the Waste Water Treatment Plant before starting on Murry Street.

Public Works Director Jenkins stated this has been budgeted and approved; that's why I feel it should go forward. Right now there's a submersible aerator on the bottom, eighteen feet; if a seal goes out, you have to pull it out with a crane and send it off to be rebuilt.

Councilman Setterstrom asked you said to replace an aeration pump was \$10,000.00; I asked you when was the last time you replaced one and you said a couple years. Public Works Director Jenkins stated this is the longest I've ever seen us go without having to replace one.

Councilman Setterstrom stated for \$400,000.00, you want to fix something that isn't broke.

Public Works Director Jenkins stated I'm looking for more efficiency

Councilman Setterstrom stated right now we're running at 4 and 5 and redoing it would bring us down to a 3; we're within legal limits up to 10. We just added all new air pumps in 2006.

Public Works Director Jenkins stated they're blower assists. If you ask me will the pumps last another year or two, they might and they might not. If you get an upgraded aeration, you will get a better treatment and a change in capacity for an increased population. Councilman Derbidge asked how long has that aeration system been in?

Public Works Director Jenkins stated I believe it's 2000, before me. In 2008 we were having major problems with the aeration; we added these blowers and that corrected the problem. We did not put a secondary clarifier in.

Councilman Derbidge asked what would we get for the \$435,000.00?

Public Works Director Jenkins stated all equipment will be above ground and a similar system to the waste tanks. There would be one submersible pump on one end and one submersible pump on the other and all the blowers on top. If one of those pumps went down, it's on a flight like a well pump.

Councilman Setterstrom stated in an RTC meeting this spring, Mike Lemich said we could take that \$400,000.00 + and pave Murry Street and you said you didn't want to do two expensive projects in the same year because you had the Water Treatment Plant to do, but that it was not a necessary job.

Public Works Director Jenkins stated when you asked me if we could wait a year or two, I answered yes. I'm recommending aeration.

Councilman Westland stated several people have expressed that the whole plant is designed for a capacity much greater than . . .

Regular Meeting of the Ely City Council December 11, 2014

Public Works Director Jenkins stated we're at sixty percent (60%).

Councilman Westland moved to reallocate \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Setterstrom stated I don't want to come into a situation again when the RTC is ready to pave one of our roads and we're not ready for it. I second your motion.

Councilman Westland stated it is a fact that we missed an opportunity to have Murry Street redone.

Councilman Derbidge stated from you're only talking on Murry Street from Clark to 2nd, not all of Murry Street.

City Engineer Almberg stated Clark to 2nd is what we anticipate is our farthest. Murry Street is also one of our CDBG applications, so we will be able to use this funding as a match and may be able to go farther than 2nd Street.

City Attorney Sears stated we learned today there is potential for a slight amount of increased traffic because the mine is proposing closure of 44A.

Councilman Westland's Motion passed 3 to 1, with Councilman Derbidge voting Nay.

5. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 5A-1 Minutes; 5A-2 Payment of Bills.

Moved by: Councilman Westland Second by: Councilman Hanson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- May 20, 2014
- May 28, 2014
- June 6, 2014
- October 9, 2014

2. Discussion/For Possible Action - Payment of Bills.

- November 13, 2014
- November 21, 2014

The bills are on file at City Hall.

B. OLD BUSINESS

1. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1 – 6.

City Clerk Switzer stated we're spending time and money running background checks, however our ordinance does not provide any qualifications for a bar card. Our City Attorney has brought before us language that would protect the City, as well as the rights of applicants (appears below).

SEARS LAW FIRM, LTD.

RICHARD W. SEARS
ATTORNEY AT LAW

Proposed Language Modification for Employment Compliance Certificate Ordinance:

1. No Compliance certificate will be issued to those persons listed below:
 - A. Persons convicted of any crime equivalent to a Nevada Category A Felony;
 - B. Persons convicted of any felony involving the use of violence against another person;
 - C. Persons being supervised by the Department of Parole and Probation, or its equivalent entity from another state, who lack written approval to work in a licensed establishment from the supervising agency;
 - D. Persons who have been convicted of any felony where firearms were used in the commission of a crime;
 - E. Persons who have been convicted of any felony or gross misdemeanor where the predicate crime was theft, false pretenses, unlawful use of a credit card, or identity theft.
 - F. A person who has successfully completed felony or gross misdemeanor probation or felony parole and whose civil rights have been restored or who has received a pardon may be entitled to a certificate at the sole discretion of the Ely City Mayor;
2. Failure to fully disclose a felony or gross misdemeanor criminal conviction will be sufficient grounds for denial or immediate revocation of a certificate.
3. Any person aggrieved by the denial or revocation of a certificate may seek a review hearing before the City Council by filing a request for review with the City Clerk within 30 days of the announcement of the denial or revocation.
 - A. Failure to appear before the City Council and to provide clear and convincing evidence demonstrating an error was made in the denial determination will result in an affirmation of the denial
 - B. A vote by the majority vote of the City Council is required to overturn a denial or revocation.

Councilman Hanson moved to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1-6. Councilman Westland seconded the motion. The motion carried unanimously.

2. Councilman Setterstrom – City Attorney Sears – Discussion/For Possible Action - Approval of First Reading of Ordinance 669, Bill No. 2014-05: An Ordinance amending Ely City Code Section 3-2-7 H1 to change the First Violation penalties for selling alcoholic beverages to minors to a one hundred dollar (\$100.00) fine.

Councilman Setterstrom stated this fine would be to the holder of the liquor license and I move to approve the First Reading of Ordinance 669.

Councilman Westland seconded the motion. The motion carried unanimously, with Councilman Derbidge abstaining.

3. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration of *Payment Service Network (PSN)* 's and *Xpress Bill Pay* 's Online Bill Pay proposals and selection of company to administer Online Bill Pay for the City of Ely.

City Clerk Switzer reviewed his analysis below and stated both companies will honor a twelve-month no fee increase.

DATE: December 11, 2014

TO: Mayor Van Camp and Council Members

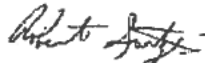
RE: Online Utility Bill Pay

Mayor Van Camp and Council Members,

SUMMARY: As you will recall at our last Council meeting, we discussed an online utility bill pay service through our City website. The criteria for selection would be the necessity for integration with our accounting software Caselle, initial set-up fees, ongoing service fees, and customer convenience, security for both customers and the City, and support for administrative staff. We considered two companies, Payment Service Network (PSN) and Xpress Bill Pay. Both offered similar products, services, and support. The differences were in initial set-up and ongoing fees. PSN had lower initial costs (approx. \$800.00) but higher service fees (\$.50/EFT transaction), while Xpress had higher initial costs (approx. \$5,500.00) but lower service costs (\$.30/EFT transaction). Both companies will honor no increases in fees for a one-year contract.

ANALYSIS: We are averaging about \$2,416.00 each month to mail out 3,393 utility statements. That works out to about \$.71 for each statement. Utility customers then must either spend another \$.49 in postage to mail back their payment, drop the payment at City Hall, call to charge payment to a credit card, or send an ACH payment (approx. 300 customers/month) through their bank. Initially, we would still mail out statements to all customers with a goal of reducing mailing statements when customers voluntarily include online billing for their accounts(s). We have the ability to stop mailing statements through a function in Caselle. If we set a goal with 25% of customers utilizing online billing the first six months, we would realize a net savings of about \$250 - \$300.00 a month in printing and postage costs. Savings in staff time would need more analysis after a period of time. Eventually, we may look at printing and mailing statements in-house if the program is successful.

RECOMMENDATION: The City approve PSN for its Online Utility Bill Pay service due to a lower initial costs.



Robert Switzer
City Clerk

Councilman Hanson moved to approve *PSN*'s Online Bill Pay proposal. Councilman Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Councilman Westland – Discussion/For Possible Action – Consideration to grant a license to A. Toogie to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Westland stated I was approached by Jay Lee, who is the owner of this property. Mr. Lee wants to build a fence at the top of his retaining wall to keep somebody driving into his back yard and for security. Mr. Lee doesn't gain any property and the City doesn't lose any rights to do whatever we want to do with that alley. This application was unanimously approved at the last City Planning Commission meeting. I move to grant a license to Jay Lee to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Setterstrom seconded the motion. The motion carried unanimously.

2. Councilman Westland – Discussion/For Possible Action – Replacement of one concrete garage approach from Center Street to Linda Hastings' property at 307 Nevada Avenue, APN 001-064-20.

Councilman Westland stated on the City right-of-way we did not put a proper approach to the garage; we're talking about 12' x 4' amount of concrete.

Councilman Derbidge asked didn't we have pictures of Center Street before?

City Engineer Almberg stated we did. There is an approach there with a sidewalk; it's just the sidewalk doesn't go all the way to that right-of-way. We took out concrete back to the right-of-way; as we're all aware, we narrowed that road. This would be providing additional three to four feet (3'-4') of width to dirt.

Councilman Setterstrom stated to her property.

City Engineer Almberg stated right.

Councilman Setterstrom stated that should have been included in the project when it was done. She showed me pictures of her house when she bought it and there was a concrete driveway there; over the years, it's disintegrated.

Councilman Derbidge stated when we talked about this before, everybody on Center Street was told what was going to happen. Correct?

City Engineer Almberg stated correct. There are other people who paved back and paid for it themselves. We're talking less than \$150.00 in material.

Councilman Setterstrom stated it is on City property, so we wouldn't allow them to do it.

Councilman Westland moved to replace one concrete garage approach from Center Street up to the Linda Hastings' property line at 307 Nevada Avenue. Councilman Setterstrom seconded the motion.

Mayor Van Camp called for the question: Two in favor, with Councilmen Derbidge and Hanson opposed.

Mayor Van Camp stated everybody was contacted.

City Engineer Almberg stated we had a meeting prior to starting construction, so I believe everybody was aware of it.

Mayor Van Camp stated I am opposed to having this done.

Councilman Westland's motion did not carry.

Linda Hastings stated even though it was there to begin with, now I don't get it back because I didn't go to the meeting to know what was going to happen? I did not know at any period that the concrete . . . Even my sidewalk was replaced four feet (4') out from my fence . . . ; all of that was replaced because it was taken out. What's the big deal? I'm not saying I can't afford to do this – which I cannot afford to do it – but it's like why? You replace something that you took out! Either you're saying that it's my property and I've got to replace it or it's the City property and you're not going to replace it! How did I get into my garage? I have vehicles sitting on the street that I'd like to pull up to my garage, but I can't because of that big dip. I brought this to you two years ago.

3. Councilman Setterstrom – Discussion/For Possible Action – Consideration to donate the unused flagpole at the back of Broadbent Park to any non-profit organization.

Councilman Setterstrom stated a flag used to be at the end of Aultman on a hill; it says “Erected by the citizens of White Pine County June 14, 1917.” There’s a group of people who want to put the flag back. A 17’ x 8’ flag has been donated. B.J. offered to donate the engineering to put up the flag pole.

City Engineer Almberg stated I made contact with the land owner; he was taken back at the request of granting an easement, so he’s getting to the other family members who have ownership; he didn’t seem to be opposed to it.

Councilman Westland stated I’m going to read a request written by Glen Terry of the *Ely Renaissance Society* to the Ely City Council: “The Ely Renaissance Society has been working to install a flag pole on the June 14, 1917 site west of town for some time. We understand that there is a pole available. The *Renaissance Society* is interested in having it donated for this coming new flag. Sincerely, Glen Terry.” I move to donate the unused flagpole at the back of Broadbent Park to the *Ely Renaissance Society*.

Councilman Derbidge seconded the motion. The motion carried unanimously.

4. Council Members – City Building Official Christiansen – Discussion/For Possible Action – Approval of Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely.

City Building Official Christiansen stated this is something we’ve been working on for quite some time. This is approval by the State of Nevada to allow the City to do the inspections and permitting on manufactured housing; right now, it’s all being done on a State level - around \$800.00 per inspection – so, this would relieve some of that pressure. With the approval of this, it’s set up that I’ll go to Las Vegas for five days to get the certification through Manufactured Housing.

City Attorney Sears stated I’ve reviewed the contract and it meets all the formalities.

Councilman Hanson moved to approve the Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely. Councilman Westland seconded the motion. The motion carried unanimously.

5. Councilman Westland – Discussion/For Possible Action – Repair of signage at the Railroad Crossings in the City of Ely to comply with the NDOT request letter of October 1, 2014.

Councilman Westland reviewed the October 1, 2014 Nevada Department of Transportation letter to the City of Ely appearing below and stated the Railroad is responsible for signs adjacent to tracks, but the City is responsible for the advanced warning signs and pavement markings. I move to comply with the NDOT requirements outlined in their October 1, 2014 letter.



NEVADA
60-9790

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89801

BRANDON HENNING, P.E., PE

By Email Letter to

October 1, 2014

Ms. Ron Jenkins, Public Works Director
City of Ely
501 Mill Street
Ely, NV 89301
(775) 269-1571
ron.jenkins@elynv.gov

Mr. Ron Jenkins:

Under the federal program listed as U.S. Code Title 23, Section 130 and the Rail Safety Improvement Act of 2008 (RSIA 2008), all highway railroad crossings are to be inventoried and reviewed for safety. Nevada Department of Transportation, Railroad Safety Engineering is reviewing and analyzing all crossings in the state for safety requirements such as signing, pavement markings, active warning devices, illumination and crossing surface condition on a tri-annual basis.

During a recent inspection of the following crossings in your area, some items were recognized to be out of standard as listed in the current edition of the MUTCD and/or the NDOT Standard Plans. In accordance with MUTCD Section 1A.07, the public agency is responsible for the maintenance of traffic control devices in their jurisdiction. The following items were noted as missing or needing attention by your agency:

DOT #55-898 Avenue C:

- Repair Advance Warning Sign (W10-1) on east side of crossing.

DOT #917-0961 Avenue C – East Ely:

- Replace Advance Warning Sign (W10-1) on north side of crossing.
- Repair pavement markings.
- Install (W10-1) on Golf Course Road.

DOT #855-586K Avenue E – Northern Canal:

- Replace pavement markings.
- Repave Crossing Approaches.

DOT #545-881W Seventh Street - Ely:

- Install Advance Warning Signs (W10-1) north of crossing.
- Install Advance Warning Sign (W10-4) on Vista Grande Drive & Storey Avenue

The function of signs and pavement markings are to provide regulations, warnings, and guidance information for all road users. We urge you to complete the maintenance in a timely manner. Updating these crossings to current standards helps promote highway-railroad safety. Please notify us when such items have been completed, and when possible, send photos of the completed items to the contact information below.

If you have any questions regarding this letter, please feel free to contact me at (775) 888-7333 or brandon.henning@state.nv.us or Jon Allen at (775) 888-7377 or jallen@ndot.state.nv.us

Sincerely,

Brandon Henning, Railroad Safety Engineering
Nevada Department of Transportation
1263 S. Stewart Street, CB16
Carson City, NV 89802

brandon.henning@ndot.state.nv.us
<http://www.ndot.state.nv.us/Transportation/About/AboutNDOT.aspx#1354>

City of Ely

City Engineer - Mr. Kevin Lee
Assistant D.E. (Ely) - Mr. Randy Hesterline
Traffic Engineer - Boyd Rathbun

Councilman Derbidge seconded the motion.

City Engineer Almberg stated in a meeting with NDOT officials, the County was very concerned about the cost of doing signage for portions of the Railroad that don't run; NDOT expressed their desire to close these crossings in the County, which could be reopened when needed.

Councilman Westland's motion carried unanimously.

6. Mayor Van Camp – City Clerk Switzer - Discussion/For Possible Action – Consideration to relocate City of Ely public meetings to the White Pine County Aquatic Center conference room.

Councilman Derbidge asked is it possible to turn the thermostat up?

Mayor Van Camp stated it was warm in here this morning.

City Clerk Switzer stated we'll have to check and see. We should be able to save at least \$1,300.00 per year over renting the current space at the Armory.

Councilman Derbidge asked can we choose our dates six months in advance?

Minutes Clerk Lee stated Director Brown stated that the County would be willing to give us a year's lease.

Mayor Van Camp stated it also helps the pool with revenue.

Minutes Clerk Lee stated our lease with the Office of the Military for the Armory ends at the end of this month, so we need to let them know.

Councilman Westland asked are they willing to renew that lease?

Minutes Clerk Lee stated yes, they are.

Councilman Derbidge moved to table this item until the December special meeting. Councilman Westland seconded the motion. The motion carried unanimously.

7. Mayor Van Camp – Discussion/For Possible Action – Acceptance of City Attorney Richard Sears' resignation.

Councilman Westland moved to accept City Attorney Sears' resignation. Councilman Hanson seconded the motion. The motion carried 3 to 1, with Councilman Derbidge opposed.

8. Mayor Van Camp – Discussion/For Possible Action – Consideration to advertise the position of City Attorney, to be employed full time by the City of Ely.

Councilman Hanson moved to advertise the position of City Attorney, to be employed full time by the City of Ely. Councilman Westland seconded the motion.

Councilman Derbidge stated you're having a motion to spend City funds without knowing how much these City funds are. Having our own attorney as a City employee incurs PERS, health insurance and all the office expenses. What's our budget?

City Clerk Switzer stated our budget for our contracted legal services is \$110,000.00.

Councilman Derbidge stated if we're going to go over this \$110,000.00 with benefits, I don't think enough thought has gone into this. Mr. Briggs might like to say something.

City Prosecutor Briggs stated when I left as the full time City Attorney a year and a half ago, the salary I received with benefits was approximately \$135,000.00, according to the City Treasurer. We were saving some money based on the agreement that we have currently, but I understand some benefits of having a full time City Attorney, since I was in that position five and a half years.

Councilman Hanson's motion carried 3 to 1, with Councilman Derbidge voting Nay.

9. Councilman Derbidge – Discussion/For Possible Action – Review of City of Ely organizational chart.

Councilman Derbidge stated on our chart we have the Fire Department, Director of Public Works and the Building Official answering to the Mayor and the City Council; those three should be answering to the City Clerk for days off, vacation and benefits. I don't think the day to day business of running their departments should be under the City Clerk, but I don't think it's right to get an email from somebody that's saying 'I'm taking tomorrow off' when we expect other employees to give a couple weeks notice.

Councilman Hanson stated use a dotted line between the City Clerk and those positions.

Councilman Derbidge stated I move to change the Fire Department, Public Works, and the Building Official to report to the City Clerk for Human Resources, shown by a dotted line on the City Organizational Chart. Councilman Hanson seconded the motion. The motion carried unanimously.

Mayor Van Camp adjourned the meeting of the Ely City Council and turned the gavel over to the WPHRF Board of Trustees Chairman to convene the W.P. Historical Railroad Foundation Board of Trustees.

6. A MEETING OF THE WHITE PINE HISTORICAL RAILROAD FOUNDATION (WPHRF) BOARD OF TRUSTEES.

A. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding a copy of the answers that Mr. Gianoli gave in response to Councilman Westland's and Gladine Patras' improvement lists; a copy of Mark Bassett's loan documents; Mark Bassett and his wife's salary; and monthly cash flow sheets for track rental income. Mr. Stork was concerned about permits being taken out. I've yet to see if he took out a permit to encroach and pave on private property off Winter Road. In regards to the lady that talked to you about the section of concrete that was taken out, if you go to the top of Center Street, you went to back to Mrs. Hecker's property and filled in the gap; you need to consider equality there.

Judy O'Brien stated in November, 2014 I attended both the Railroad Management and Trustee meetings. At each the citizens are given the opportunity to make comments; I did not. Upon reflection, I decided I needed to deepen my understanding of the issues. The July 2014 minutes on page 4 of the directors' meeting states the following: "You are the Trustees; You are the power of the corporation; The Management Board manages; Write it up and tell us exactly what your concerns are." Documentation was given to me from many sources and several questions arose with one burning concern. Mark was emailed and consented to meet with me. My question was the S & S track repair expense of \$374,000.00. I did not find it on their October 31, 2014 balance sheet under long term liabilities. My understanding from Mark is that half the charge is the City's and half the Railroad's; it has not been accounted for to date on the balance sheet. My concern is the accounting of legal fees in 2014; January through October on the profit and loss statement 1747/Legal Fees are \$34,035.56. When I asked if this was to date, the answer was the fees will not be known until the completion of the court case. Again, this concerns me as the Board of Directors signed an agreement for representation and we, the citizens, have no idea what the costs may be in total, to date or for how long. These two items are expenses to the Railroad; one has not been booked and the other only partially. I'm afraid the costs are escalating.

B. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson's term end of September 30, 2014.

Chairman Derbidge stated this was on the last meeting and I asked Counsel for both sides to come to an agreement on the terms.

Scott Husbands stated we did meet; we didn't agree. It's our position that there are no vacancies because the terms have not expired. If this Board decides to go forward - advertising vacancies - we will seek a preliminary injunction in court, again, to attempt to stop you.

Chairman Derbidge stated if it's the Board of Trustees' desire, we follow the judge's edict and send a written letter.

Scott Husbands stated if you read through the documentation we gave you, it shows that with respect to Mr. Larson and Mr. Gianoli there are no vacancies.

Chairman Derbidge stated the documentation given to us from the minutes is completely different.

Trustee Westland stated the minutes reflect that the City Council, for years, has bent over backwards to accommodate the wishes of the Railroad: Changing the By Laws so that we could have a non-voting chairman, John Gianoli; changing the By Laws back, so that John Gianoli could become again a voting member upon Terry Gust's resignation; appointing John Gianoli with those terms; and correcting the terms so they would be on the proper schedule.

Scott Husbands stated my position is Mr. Lampros was on the board in 2007 and stepped off the board in 2008. Mr. Larson filled out the vacancy created by Mr. Lampros. Mr. Larson was reappointed in 2011; his term should be up in 2015.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli's term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust's term.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Mayor Van Camp stated I did get a phone call from Mr. Samberg today and we did engage him . . .

City Attorney Sears stated I engaged him.

Mayor Van Camp stated Rich engaged the letter for Mr. Samberg to send to the *S & S* attorney; he called me saying he hasn't had anything from Mr. Husbands, aside from being stalled, and you're waiting to hear from *S & S*? He would like to know . . . Are you representing *S & S*? He's not getting any information.

Scott Husbands stated John is wrong; I'm not stalling. We have in the past represented *S & S*; we currently do. As I explained to him when he talked to me about this a week ago – when he sent me an email saying he was engaged by this Body - I told him I need to

check with my client; I've attempted to do that on two separate occasions. I've left him voicemails. I'm waiting to hear back from him. So, I need to ask S & S what they want to do, whether they want to give him a report. I don't have railroad expertise, so if that's something they want to pursue, they have the right to do that. John can say all he wants about sending me email after email and following up; the fact of the matter is what I can do in response to his emails is contact my client. I don't appreciate his comment that we're attempting to stall or anything like that.

Mayor Van Camp stated what he's searching for is the full and complete accounting of the S & S.

Scott Husbands stated I told him he is entitled to whatever documents I have. The documents I have are the agreement and some of my communications with S & S; those, of course, are all attorney client privileged. He can get the agreement from you guys. I don't, in my records, have the full accounting, so he's going to have to get that from S & S or you guys are going to have to get that from S & S.

Trustee Westland stated that's what we've been trying to do.

Scott Husbands stated I know. All I'm saying is I'm not stalling. I don't believe they're stalling; he's an incredibly difficult person to reach. Mark is here and could talk to you about difficult it is to reach him when you need to talk about something. I'll continue to try and reach him, but I don't know what he wants to do going forward. Again, I don't have railroad expertise . . . We have in the past represented him. We do currently represent him. We've appeared before this Body in somewhat of a limited capacity, just whenever he happens to be on the agenda. I also have conflict of interest issues to consider. There are none at this point, but there may in the future because we do represent the Management Board and the Foundation. If this goes down a track where the Management Board is at odds with S & S Shortline, I might have to withdraw from my representation of them with respect to that issue.

Trustee Westland stated I want to disclose that John Samberg is my personal attorney in defense of me in the case that the Railroad Foundation has filed against the entire City Council and the Mayor. Some really nasty things were said about me in there that warranted me having my own counsel. In case any of you are wondering if there's any kind of conflict there, I have paid a lot of money to have this guy up to speed. So, if you're wondering about the economy of this decision, I can assure you that we would have to spend a lot of money to educate somebody about this issue.

City Attorney Sears stated that was the point I was going to make. I engaged Mr. Samberg because he was the least expensive I could get. If we have to pay another lawyer to get up to speed, we could shell out a lot of money that has already been invested by Marty.

Trustee Westland stated we already know how difficult it is to get information out of S & S; information that they owe us. I don't know if we owe \$374,000.00 or they might owe us.

Trustee Hanson moved to engage Mr. Samberg to pursue the resolution of the financial records for the Lease Agreement/Join t Development Agreement with S & S Shortline.

Scott Husbands asked what is Mr. Samberg's hourly rate?

Chairman Derbidge stated people would like to know how much the Management Board has spent on legal fees also.

City Attorney Sears stated I engaged him and his fees are reasonable, given the circumstances.

Trustee Westland seconded Trustee Hanson's motion. Trustee Hanson's motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears' suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

City Attorney Sears stated we met and agreed to fourteen (14) calendar days for all formal communications.

Scott Husbands stated we did. The only afterthought leaving Rich's office was with formal communications, there should be some acknowledgement of receipt.

Trustee Westland moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Trustee Setterstrom seconded the motion. The motion carried unanimously.

D. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

Mike Coster stated I wanted to note the loss of Dany Feinstein, the sole marketing person at the Railroad; in the past six months, there seems to be a situation there that caused her to depart on a minutes notice. I would encourage the Railroad Trustees, at your next opportunity, to investigate the terms of that.

Scott Husbands stated I want to make a public records request for whatever engagement agreement you have with Mr. Samberg and his firm; that would hopefully show what the hourly rate was. My understanding of what it might be - based on his experience, his firm, the place where he practices and what he's doing - is it somewhere in the neighborhood of \$400.00 to . . .

City Attorney Sears stated you misunderstand. They don't have an engagement. It's my engagement.

Scott Husbands stated it's my understanding that it's somewhere in the neighborhood of \$450.00 to \$500.00 an hour. I think people need to understand what the scope of the fees might be. We did some work for the City last summer and there was a whole bunch of flack from this Council about whether we should cap the fees and how much money the City's going to spend on a private attorney. So, I mean what's fair is fair. Mr. Samberg's thing seems to be 'nobody's entitled to know how much he charges'. I bet there's no cap on it. I know it may be difficult to cap it because we all have no idea which way this is going to go. We're in the early stages of discovery, but we were put into the position of 'it's not fair to spend the people's money' on something without a cap and now we're being told . . .

City Attorney Sears stated just for the public's information, this does not relate to the Railroad. This relates to *S & S Leasing*. This doesn't have anything to do with the Railroad litigation. This is an engagement to try and figure out whether or not the terms of the contract between the City and *S & S Leasing* are being fulfilled.

Scott Husbands stated I think you should revisit it and cap the fees because legal work takes more time than everybody anticipates. At \$500.00 an hour you guys are going to be looking at a massive legal bill here.

City Attorney Sears stated you already have a massive bill of \$375,000.00 that we can't document is accurate, that we didn't incur.

Garrett Estrada stated I think this room is a lot more comfortable to view a meeting from than the Armory, as a person that has to attend all of them. I'm not sure how cold you were over there, but it's not that cold today.

Chairman Derbidge adjourned the meeting of the White Pine Historical Railroad Foundation Board of Trustees and turned the gavel back to the Mayor to reconvene the Regular City Council Meeting.

7. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE WHITE PINE HISTORICAL RAILROAD FOUNDATION BOARD OF TRUSTEES.

A. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson’s term end of September 30, 2014.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli’s term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust’s term.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Councilman Hanson moved to engage John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*. Councilman Westland seconded the motion.

Councilman Setterstrom stated I would like to say on engaging John Samberg, there were times when Mr. Husbands represented *S & S Shortline* and we’ve asked for documentation of why we owed \$374,000.00; we’ve gotten none. We’ve gotten no quarterly reports. After asking and asking and asking, we’ve got to find out and if that’s the only way we can go about getting it because obviously . . . I don’t think that’s even an issue.

Councilman Hanson’s motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears’ suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

Councilman Hanson moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Councilman Westland seconded the motion. The motion carried unanimously.

8. REPORTS

CITY COUNCIL

Councilman Hanson stated with Marty, I attended the meeting with the County regarding an Inter Local agreement for the building inspector; the proposals look viable and allow us six months to see how this thing will work.

Councilman Westland we decided at a prior meeting to limit the truck traffic going down Mill; the highway department did confirm that is not a state highway.

Councilman Derbidge stated we discussed at the last meeting to put up some signs on Murry and Mill; the mine said they were going to start that in February.

Councilman Setterstrom stated he had no report.

MAYOR

Mayor Van Camp reviewed her approvals appearing below and stated I would like to thank Rich for all the work he's done for the City.

I approved 24-Hour Liquor Licenses for:

- The Fashion Show at the Convention Center, November 29, 2014,
- The Festival of Trees at the Convention Center, December 5, 2014, and
- Barrick's Holiday Party at the Convention Center, December 11, 2014.

I approved Special Events/ 24-Hour Liquor Licenses for:

- The Firemen's Ball at the Convention Center, December 31, 2014; and
- Kennecott Years Reunion Festivities July 2-4, 2015.

9. AGENDA ITEMS FOR THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING.

Councilman Hanson stated we have a STOP sign issue for the January meeting.

10. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

City Engineer Almberg stated in my earlier report I forgot to mention that another thing which came up in our meeting with NDOT was our Aultman Street project and they are looking at 2017; I said you're putting our City in a tough position because there were rate increases to support that project to complete the underground infrastructure and you continue to slide that date. NDOT said they would attach that information to the project.

George Chachas stated in regards to public information, anything in the packet, should be provided at the time the packet comes out. If you have any information that's going to be disseminated at the meeting, I suggest you get a copy machine. If you present any information at a public meeting, you better be prepared to give everybody a copy that wants it. When you folks appoint a board, they report to you. I'm seeing tons of money being spent on lawyers fighting who's in what position; someone's in the missionary position. I'm tired as a taxpayer of paying those people to fight us. I don't want that Railroad to go down. I don't want any negative publicity. It's a matter of record what you folks did at any given time.

Rick Stork stated what you guys did to that poor lady that lives on Nevada Avenue is a shame. She had concrete up to the edge of her property line; for the City to tear it out and not replace that at least in front of the driveway . . . You have an obligation to put that back as good as it was or better. When Dean Day as your Engineer, he was compassionate with the citizens; he talked to them, worked out an agreement with them and everything came in good on it, but now you've got fancy engineers and everything has to be done by plans. People don't know how to read plans. When we had that meeting at the Fire Hall, we tried to explain it to them. You guys don't mind spending money every other direction. You've spent \$500.00 an hour now for an attorney that's not budgeted. You should not spend it until you budget it. You guys can do what you want for the time being, but I hope your days are numbered.

Regular Meeting of the Ely City Council December 11, 2014

Councilman Derbidge moved to adjourn the Regular Meeting of the Ely City Council at 6:22:26 PM. Councilman Setterstrom seconded the motion. The motion carried unanimously.



MAYOR

ATTEST

WHITE PINE COUNTY Nevada

[Assessor Home](#)[Personal Property](#)[Sales Data](#)[Secured Tax Inquiry](#)[Recorder Search](#)[GIS Map](#)

Parcel Detail for Parcel # 001-354-10

Location

Property Location 1125 MURRY STREET

Town CITY OF ELY

Subdivision WHITE BROWN
ADDITION Lot 15&16 Block C

Property Name

[Add'l Addresses](#)[Legal Description](#)

Ownership

Assessed Owner Name VAN CAMP, MELODY
JOMailing Address 1125 MURRY STREET
ELY, NV 89301[Ownership History](#)[Document History](#)Legal Owner Name VAN CAMP, MELODY
JO

Vesting Doc#, Date 01/22/97 Book/Page 352/

Map Document #s

Description

Total Acres .110 Square Feet 5,000

Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 1	Non-dwell Units 0	Bdrm/Bath 0/1.00
Single-fam Attached 0	MH Hookups 0	Stories 1.0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 1	Bldg Sq Ft 1,107	

Garage Sq Ft 768 Attch/Detch D

Basement Sq Ft 0 Finished 0

[Improvement List](#)

Appraisal Classifications

Current Land Use Code 200

[Code Table](#)

Zoning

Re-appraisal Group 2 Re-appraisal Year 2012

Orig Constr Year 1920 Weighted Year

Assessed Valuation

Assessed Values	2015-16	2014-15	2013-14
Land	2,153	2,153	2,555
Improvements	10,088	9,988	9,792
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	12,241	12,141	12,347
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2015-16	2014-15	2013-14
Land	6,151	6,151	7,300
Improvements	28,823	28,537	27,977
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	34,974	34,689	35,277
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

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WHITE PINE COUNTY Nevada

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Parcel Detail for Parcel # 001-322-05

Location

Property Location 746 MURRY STREET

Town CITY OF ELY

Subdivision Lot Block 4

Property Name

[Add'l Addresses](#)[Legal Description](#)

Ownership

Assessed Owner Name VANCAMP, MELODY

Mailing Address 1125 MURRY STREET
ELY, NV 89301[Ownership History](#)[Document History](#)

Legal Owner Name VANCAMP, MELODY

Vesting Doc#, Date 345845 01/12/09 Book/Page 519/504

Map Document #s

Description

Total Acres .100 Square Feet 4,420

Ag Acres .000 W/R Acres .000

Improvements

Single-
fam Detached 1 Non-dwell Units 0 Bdrm/Bath 0/1.00Single-
fam Attached 0 MH Hookups 0 Stories 1.0

Multi-fam Units 0 Wells 0

Mobile Homes 0 Septic Tanks 0

Total Dwelling Units 1 Bldg Sq Ft 753

Garage Sq Ft 0 Attch/Detch

[Improvement List](#) Basement Sq Ft 0 Finished 0

Appraisal Classifications

Current Land Use Code 200 [Code Table](#)

Zoning

Re-appraisal Group 2 Re-appraisal Year 2012

Orig Constr Year 1898 Weighted Year

Assessed Valuation

Assessed Values	2015-16	2014-15	2013-14
Land	1,903	1,903	2,259
Improvements	6,900	6,832	6,698
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	8,803	8,735	8,957
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2015-16	2014-15	2013-14
Land	5,437	5,437	6,454
Improvements	19,714	19,520	19,137
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	25,151	24,957	25,591
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

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WHITE PINE COUNTY Nevada

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Parcel Detail for Parcel # 001-354-10

Location

Property Location 1125 MURRY STREET

Town CITY OF ELY

Subdivision WHITE BROWN

ADDITION Lot 15&16 Block C

Property Name

[Add'l Addresses](#)[Legal Description](#)

Ownership

Assessed Owner Name VAN CAMP, MELODY
JOMailing Address 1125 MURRY STREET
ELY, NV 89301[Ownership History](#)[Document History](#)Legal Owner Name VAN CAMP, MELODY
JO

Vesting Doc#, Date 01/22/97 Book/Page 352/

Map Document #s

Description

Total Acres .110 Square Feet 5,000

Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 1 Non-dwell Units 0 Bdrm/Bath 0/1.00

Single-fam Attached 0 MH Hookups 0 Stories 1.0

Multi-fam Units 0 Wells 0

Mobile Homes 0 Septic Tanks 0

Total Dwelling Units 1 Bldg Sq Ft 1,107

Garage Sq Ft 768 Attch/Detch D

Improvement List Basement Sq Ft 0 Finished 0

Appraisal Classifications

Current Land Use Code 200 [Code Table](#)

Zoning

Re-appraisal Group 2 Re-appraisal Year 2012

Orig Constr Year 1920 Weighted Year

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Ag Land	0	0	0
Exemptions	0	0	0
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Increased (New) Values			
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WHITE PINE COUNTY Nevada

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Parcel Detail for Parcel # 001-322-05

Location

Property Location 746 MURRY STREET

Town CITY OF ELY

Subdivision Lot Block 4

Property Name

[Add'l Addresses](#)[Legal Description](#)

Ownership

Assessed Owner Name VANCAMP, MELODY

Mailing Address 1125 MURRY STREET
ELY, NV 89301[Ownership History](#)[Document History](#)

Legal Owner Name VANCAMP, MELODY

Vesting Doc#, Date 345845 01/12/09 Book/Page 519/504

Map Document #s

Description

Total Acres .100 Square Feet 4,420

Ag Acres .000 W/R Acres .000

Improvements

Single-
fam Detached 1 Non-dwell Units 0 Bdrm/Bath 0/1.00Single-
fam Attached 0 MH Hookups 0 Stories 1.0

Multi fam Units 0 Wells 0

Mobile Homes 0 Septic Tanks 0

Total Dwelling Units 1 Bldg Sq Ft 753

Garage Sq Ft 0 Atch/Detch

Basement Sq Ft 0 Finished 0

[Improvement List](#)

Appraisal Classifications

Current Land Use Code 200

[Code Table](#)

Zoning

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WHITE PINE COUNTY Nevada

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Parcel Detail for Parcel # 001-354-10

Location

Property Location 1125 MURRY STREET

Town CITY OF ELY

Subdivision WHITE BROWN
ADDITION Lot 15&16 Block C

Property Name

[Add'l Addresses](#)[Legal Description](#)

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Map Document #s

Description

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Ag Acres .000 W/R Acres .000

Improvements

Single-fam Detached 1 Non-dwell Units 0 Bdrm/Bath 0/1.00

Single-fam Attached 0 MH Hookups 0 Stories 1.0

Multi-fam Units 0 Wells 0

Mobile Homes 0 Septic Tanks 0

Total Dwelling Units 1 Bldg Sq Ft 1,107

Garage Sq Ft 768 Attch/Detch D

[Improvement List](#) Basement Sq Ft 0 Finished 0

Appraisal Classifications

Current Land Use Code 200 [Code Table](#)

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WHITE PINE COUNTY Nevada

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Parcel Detail for Parcel # 001-322-05

Location

Property Location 746 MURRY STREET

Town CITY OF ELY

Subdivision Lot Block 4

Property Name

[Add'l Addresses](#)[Legal Description](#)

Ownership

Assessed Owner Name VANCAMP, MELODY

Mailing Address 1125 MURRY STREET
ELY, NV 89301[Ownership History](#)[Document History](#)

Legal Owner Name VANCAMP, MELODY

Vesting Doc#, Date 345845 01/12/09 Book/Page 519/504

Map Document #s

Description

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Ag Acres .000 W/R Acres .000

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Total Dwelling Units 1 Bldg Sq Ft 753

Garage Sq Ft 0 Attch/Detch

[Improvement List](#) Basement Sq Ft 0 Finished 0

Appraisal Classifications

Current Land Use Code 200 [Code Table](#)

Zoning

Re-appraisal Group 2

Re-appraisal Year 2012

Orig Constr Year 1898

Weighted Year

Assessed Valuation

Assessed Values	2015-16	2014-15	2013-14
Land	1,903	1,903	2,259
Improvements	6,900	6,832	6,698
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	8,803	8,735	8,957
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2015-16	2014-15	2013-14
Land	5,437	5,437	6,454
Improvements	19,714	19,520	19,137
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	25,151	24,957	25,591
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

MEETINGS OF THE:

- ELY CITY COUNCIL
- W. P. HIST. RAILROAD FOUND. BOARD OF TRUSTEES

December 11, 2014 4:00 p.m. – White Pine Aquatic Center – 1111 Veterans Blvd. – Ely, Nevada.

1. Mayor Van Camp called the Regular Meeting of the Ely City Council to order at 4:00:46 PM, led in the Pledge of Allegiance, Sue Winder offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

Mayor Van Camp
Councilman Bruce Setterstrom
Councilman Dale Derbidge
Councilman Marty Westland
Councilman Sam Hanson

City Staff present:

City Clerk Robert Switzer
Public Works Director Ron Jenkins
City Attorney Richard Sears
City Engineer B.J. Almberg
City Fire Chief Ross Rivera
Building Official Brad Christiansen
Minutes Clerk Jennifer Lee

Regular Meeting of the Ely City Council December 11, 2014

Also in attendance: Members of the public were asked to sign in and the sign-in sheet appears below.

Ely City Council
PLEASE PRINT YOUR NAME
 Please print your FIRST & LAST name clearly for the attendance list.
 12-11-14

<u>JACK VAN CAMP</u>	<u>idley, Grant</u>
<u>Buddha</u>	<u>Pete Carson</u>
<u>Deborah Carson</u>	<u>James Carson</u>
<u>Chris Hartz</u>	<u>James Carson</u>
<u>Gregory</u>	<u>Mike Carson</u>
<u>Sam Khase</u>	<u>David Van Camp</u>
<u>Mark Tetter</u>	<u>Bryan Wilson</u>
<u>Judy O'Brien</u>	<u>Anthony Patterson</u>
<u>Mike O'Brien</u>	<u>Yvonne Patterson</u>
<u>George Chachas</u>	<u>Tracy Carlson</u>
<u>Linda Hastings</u>	<u>Phyllis Harty</u>
<u>Theresa Carson</u>	<u>Bob Harty</u>
<u>Tom Buchanan</u>	
<u>Judy Locke</u>	
<u>David Lee</u>	
<u>Tom Pearson</u>	
<u>Renee R.</u>	
<u>Cynthia Carson</u>	
<u>Pete Carson</u>	

Ely City Council
PLEASE PRINT YOUR NAME
 Please print your FIRST & LAST name clearly for the attendance list.
 12-11-14

<u>Lee Lee</u>	<u>Lee Lee</u>
----------------	----------------

Mayor Van Camp read Councilman Lee's letter appearing below.

December 11, 2014

RECEIVED

Mayor and City Council
 501 Clark Street
 Ely, Nevada 89301

BY 12-11-14

Dear Mayor and City Council:

After weeks of careful consideration I have decided to submit my resignation as city councilman effective immediately.

It has been a pleasure working with you, and I trust you will appoint a new councilman who is as interested in continuing to improve the city as I am.

Sincerely,

Randy Lee
 Randy Lee

Regular Meeting of the Ely City Council December 11, 2014

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding whether County Commissioner Lampros received a variance; whether Campton Street was narrowed; the White River Museum's rates; and Senator Pete Gochoechea's landfill billing.

Rick Stork stated I'd like to know why Councilmen Hanson and Derbidge did not buy excavation permits when they had their curb/gutter put in.

Councilman Derbidge stated you're wrong on that.

Rick Stork stated I checked with City Hall and they don't have one on file, unless you did it after the fact today.

Councilman Hanson stated we didn't do it because I contacted the City Engineer and he said it wasn't necessary.

Rick Stork stated it is, anytime that you dig in the City right-of-way.

Councilman Hanson stated I asked the proper City official and he has the authority to say . . .

Rick Stork stated he's wrong, so he should pay the fine for you. It says right on the excavation permit; your building inspector will tell you it's always been that way. You're using your position as a City Councilman to get favors from your City Engineer.

Mayor Van Camp stated that's enough.

Rick Stork stated I'd like to know what the \$40.00 check paid to *Van Camp Towing* was for and what the \$94.00 the City paid to *Sew Krazy* was for.

Mayor Van Camp stated the money paid to me was for Animal Control uniforms and I've done those year after year.

Rick Stork stated there are other businesses in town that do sewing and with the position you're in, it should be put out to bid.

Mayor for Van Camp for *Van Camp Towing*, I'm not sure what my brother did.

3. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Fire Chief Rivera stated I was saddened to have a funeral for Patrick Simon, one of our volunteers; he was a great asset to the whole community. This weekend is our annual house to house drive, so we will be utilizing some of the City vehicles.

Fire Chief Rivera's blotters are on file at City Hall.

- POLICE CHIEF

Sheriff Watts' blotters are on file at City Hall.

Regular Meeting of the Ely City Council December 11, 2014

- CITY CLERK

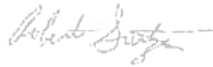
DATE: December 5, 2014

TO: Mayor Van Camp

RE: Update on FY2014 Audit

Mayor Van Camp and Council Members.

Last meeting I mentioned the City had been granted a one month extension from the State of Nevada on our audit per the request for our auditors. I talked to the head auditor, McKay Hall, and there is an actuary report we are waiting on which is scheduled to be done by this Friday. The report is for calculating post-employment benefits such as pension obligations and is now a requirement for governmental entities. Moving forward, I would anticipate an earlier start on the report next audit. According to McKay, the audit is due to the Council by December 31st and submitted to the State by January 31st.



Robert Switzer
City Clerk

DATE: December 5, 2014

TO: Mayor Van Camp
Members of the City Council

FROM: Robert Switzer, City Clerk

RE: Financial Report (July-October 2014)

Cash Positions

FNB - Revolving Loan Fund	\$ 70,936.50
FNB - Ambulance Fund (New acct.)	2,479.37
FNB - Contingency Funds	6,493,022.13
FNB - General Checking	2,135,751.77
BoFA- General Checking (10/31)	13,003.92
BoFA- Ambulance Fund (10/31)	175,186.40
Totals	\$8,890,380.09

General Fund

Revenues are close to budget with \$645,142.83 received through the end of October and annual budget of \$1,907,875. CTF revenue is on target with receipt of \$401,439.05 and an annual budget of \$1,202,218. Total expenditures are holding a little under budget at \$646,579.12 which is 28.8% of budget.

Proprietary Funds

Our three Enterprise Funds, Water, Sewer, and Landfill, are positive in revenue over expenditures. Attached is the printout for the funds.

Road/Street Fund

Road tax revenues have picked up somewhat making them much closer to our budget. However, expenditures are still above revenues collected. A printout is attached.

- CITY ATTORNEY

City Attorney Sears stated he had no report.

● PUBLIC WORKS DIRECTOR

Date: December 1, 2014
To: Mayor, Council and Board Members
From: Ron Jenkins, Public Works Director
Subject: Monthly Report

Parks and Cemetery:

During the Month of November the crew spent time winterizing the sprinkler systems. They also spent time preparing the ice skating park at the old terrace park. We are now waiting on cold weather. The crew assisted in cutting weeds on main St, trimming trees at cemetery and parks, finished the fence around Broadbent Park. Raised and repaired fifteen headstones.

In case anyone is wondering, we do burials in the winter months.

Burials - 5 Cremations - 1

Landfill:

Landfill operations continue to run in compliance with NDEP. Tom is near completion of the permit modification, including recycling. The thirty day comment period will begin around December 5, 2014. Top soil is being excavated for the perimeter drainage ditch.

Equipment Maintenance:

Landfill loader and grader serviced. All other equipment is current.

Tons of Waste:

Year to Date, Class 1, 7026.91 Daily average, 21.62

Year to Date, Class 3, 6894.19 Daily average, 21.21

Wastewater Treatment Plant:

The Wastewater Plant is running good with no violations to report. ¹²Stephany Burdick and Bruce Ashby are doing a great job keeping maintenance, operation and compliance sampling up to date. The centrifuge is running good with no new problems to report.

Water Sewer:

The SCADA site at the courthouse tanks is having issues with the solar charging system. As we speak, we are having power run to the site and should have permanent power installed by tomorrow. During the power outages, the 17th & M well started multiple times on needed. This mistake is being corrected. Stephany Burdick has been assigned cross connection control inspections and enforcement. Stephany has done an outstanding job with compliance sampling on the water system and I am confident we will see the same results with CCCC.

There were no water service replacements during the month of November. We did have a main break on 1459 Autumn St.

Sewer Backups:

- 450 5th St.
- 890 Ave C
- Bell Ave

Street Department:

All equipment maintenance is up to date and operational. All sanders and snow plows are ready to go when the snow flies.

If anyone has any questions or concerns, please feel free to contact me anytime.

- CITY ENGINEER

City Engineer Almberg reviewed the City Smaller Maintenance Projects list appearing below and stated we've been working with Ross to prepare for a January fire inspection on our water system. We're working with the Landfill to get their 2nd Half report done. We needed to extend stock watering rights being used on the Georgetown Ranch, so hopefully we can get to a certificate and won't have to deal with this annually. We're compiling our two CDBG applications. We're going to prepare the legal exhibits for encroachment on Winter Road and Rich will then prepare an easement agreement. We're also working on RTC projects and the Avenue C extension from the Golf Course to 15th street.

City Smaller Maintenance Projects

12/2014

Cedar Street sewer and water extension.

- Extremely long service connections and the City have recently had problems with these.

Bell Ave Main.

- Existing 4" waterline on Bell between Ashman and Campton Street is old and has the potential of failure

Upper Bell Ave.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

Court House Tanks Overflow.

- Overflow line has several leaks that in current pumping conditions for RW-6P and RW-7P is constantly leaking during the colder months of low water use.

Morley Avenue.

- Pressures are inadequate in this area and a booster pump needs to be installed

Main Water Valves.

- Replace various malfunctioning main valves around town

Fire Hydrants.

- Adding additional fire hydrants around town

Raise Manhole Lids.

- Raise various manhole lids around town.

Belfort Avenue.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

- CITY BUILDING OFFICIAL

Building Official Christiansen stated I have nothing at this time.

4. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITY BOARD.

A. OLD BUSINESS

1. Board Members –*Robinson Nevada Mining Company (RNMC)* representative – Discussion/For Possible Action – Update to the Utility Board on the *Robinson Nevada* Development, Ruth Pit Development and water mitigation efforts within the City of Ely.

Councilman Derbidge stated the Utility Board requested a static water level report.

Public Works Director Jenkins stated I did try to contact Blair today and did not get in touch with him. They also requested GPM: 1300 GPM for RW-6P and 1800 GPM for RW-7P; I emailed that out to everybody.

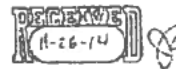
B. NEW BUSINESS

1. Board Members – Public Works Director Jenkins – Councilman Lee – Discussion/For Possible Action – Consideration to establish a voluntary recycling program, along with *J & M Trucking*, at the City of Ely Landfill.

Councilman Derbidge, referring to the *J & M Trucking* proposal appearing below, stated this came from a discussion on recycling with Councilman Lee, the Mayor, Tony Locke and myself; we came up with an idea for Tony to put some containers at the dump – the City would pay rent on them - to extend the life of the Landfill and help the environment.



November 26 2014



City of Ely
501 Mill Street
Ely, NV 89301

SUBJECT: INTERIM LANDFILL SITE RECYCLING PROPOSAL

Gentlemen:

J & M Trucking Inc. proposes the following

- Placement of up to four (4) forty yard enclosed-top roll-off bins at site designated by Ely landfill operator to be used for sorting of recyclable materials overseen by landfill operator at a cost of \$120.00 per unit per month.
- At landfill request J & M will replace loaded containers with empty ones at a cost of \$25.00 per occurrence. J & M will weigh and process all materials produced and report tonnages to the City of Ely. J & M will be entitled to the value of all materials produced.
- The term of this agreement shall be for a minimum of six (6) months at which time the City of Ely and J & M will re-evaluate procedure and costs.
- J & M will require 90 days lead time to procure roll-off bins.

Please contact me with any questions at: (775) 289-4355

Sincerely,

J & M TRUCKING INC.

A handwritten signature in cursive script that reads 'Tony Locke'.

Tony Locke
President

Tony Locke of *J & M Trucking* stated it is simply putting containers at the Landfill that the Landfill operation could oversee, so garbage is not thrown in there. When the bin is full, we'll swap it out and incorporate it into our recyclables.

Mayor Van Camp stated this is a large cost for you to get the bins.

Tony Locke stated it is significant, but I'm excited we're finally going to incorporate that approach to the Landfill.

Councilman Setterstrom asked how many bins?

Tony Locke stated we're proposing four.

Mayor Van Camp stated all the small communities around the State are doing recycling, but us: Eureka, Fernley and Lovelock.

Tony Locke stated what we're doing is not economically viable; I'm not making money on this. Nobody else will do what I'm proposing for the cost that I'm asking. The payoff to us as a community is every day we can extend the life of that Landfill.

Mayor Van Camp stated eighty percent of all plastic bottles end up in the Landfill; it takes a thousand years for a bottle to disintegrate and Styrofoam cups take five hundred years.

Councilman Derbidge stated to see if it's economically viable for the City and for Tony, you have to have a test.

Tony Locke stated I'm making a \$15,000.00 investment for us to do this.

Councilman Westland moved to accept *J & M Trucking's* recycling proposal for a six month trial period. Councilman Setterstrom seconded the motion.

Councilman Derbidge stated the Utility Board approved this, with the six month trial starting when the bins are up.

Mayor Van Camp stated it's only a matter of time before the government makes us recycle.

Councilman Westland's motion carried unanimously.

2. Board Members – Public Works Director Jenkins - Discussion/For Possible Action – Consideration to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley behind the proposed *Family Dollar Store*, to be located at 14th and East Aultman.

Councilman Derbidge stated we already granted *Family Dollar* permission to use asphalt in the alley and now they want to use concrete; the Utility Board granted permission if their drainage plan is approved by the City Engineer.

City Engineer Almberg stated they've cut down that alley and we want to make sure we get a plan that doesn't affect the neighbors' access.

Councilman Derbidge moved to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley at 14th and East Aultman with the provision that their drainage plan must be approved by the City Engineer. Councilman Hanson seconded the motion.

City Engineer Almberg stated I want to make sure we don't allow parking to creep into that alley.

Building Official Christiansen stated if we're going to do that, let's add they have to put up NO PARKING signs.

Councilman Derbidge amended his motion to add that NO PARKING signs be placed by *Family Dollar Store* in the alley. Councilman Hanson amended his second to include the same. The motion carried unanimously.

3. Board Members – Public Works Director Jenkins - Discussion/For Possible Action - Approval or disapproval of renewal of prior emergency services Interlocal Agreement for Water Operator Services between the McGill-Ruth Consolidated Sewer and Water General Improvement District and the City of Ely.

Councilman Derbidge stated the Utility Board passed this, but wanted a ninety-day day time frame from 12-11-14 to give Ruth-McGill time to go over their agreement and come back. It's been going on six months and we haven't got anything in writing.

Public Works Director Jenkins stated in this agreement, there's an additional \$500.00 a month, on top of our hours we're doing.

Councilman Derbidge moved to approve the renewal of the prior emergency services Interlocal Agreement for Water Operator Services with the McGill-Ruth Consolidated Sewer/Water GID for ninety days, starting today. Councilman Hanson seconded the motion. The motion carried unanimously.

4. Board Members – Councilman Derbidge – Councilman Setterstrom – Discussion/For Possible Action – Reallocation of \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Derbidge stated the Utility Board wants to finish the Aeration project to complete the Waste Water Treatment Plant before starting on Murry Street.

Public Works Director Jenkins stated this has been budgeted and approved; that's why I feel it should go forward. Right now there's a submersible aerator on the bottom, eighteen feet; if a seal goes out, you have to pull it out with a crane and send it off to be rebuilt.

Councilman Setterstrom asked you said to replace an aeration pump was \$10,000.00; I asked you when was the last time you replaced one and you said a couple years. Public Works Director Jenkins stated this is the longest I've ever seen us go without having to replace one.

Councilman Setterstrom stated for \$400,000.00, you want to fix something that isn't broke.

Public Works Director Jenkins stated I'm looking for more efficiency

Councilman Setterstrom stated right now we're running at 4 and 5 and redoing it would bring us down to a 3; we're within legal limits up to 10. We just added all new air pumps in 2006.

Public Works Director Jenkins stated they're blower assists. If you ask me will the pumps last another year or two, they might and they might not. If you get an upgraded aeration, you will get a better treatment and a change in capacity for an increased population. Councilman Derbidge asked how long has that aeration system been in?

Public Works Director Jenkins stated I believe it's 2000, before me. In 2008 we were having major problems with the aeration; we added these blowers and that corrected the problem. We did not put a secondary clarifier in.

Councilman Derbidge asked what would we get for the \$435,000.00?

Public Works Director Jenkins stated all equipment will be above ground and a similar system to the waste tanks. There would be one submersible pump on one end and one submersible pump on the other and all the blowers on top. If one of those pumps went down, it's on a flight like a well pump.

Councilman Setterstrom stated in an RTC meeting this spring, Mike Lemich said we could take that \$400,000.00 + and pave Murry Street and you said you didn't want to do two expensive projects in the same year because you had the Water Treatment Plant to do, but that it was not a necessary job.

Public Works Director Jenkins stated when you asked me if we could wait a year or two, I answered yes. I'm recommending aeration.

Councilman Westland stated several people have expressed that the whole plant is designed for a capacity much greater than . . .

Regular Meeting of the Ely City Council December 11, 2014

Public Works Director Jenkins stated we're at sixty percent (60%).

Councilman Westland moved to reallocate \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Setterstrom stated I don't want to come into a situation again when the RTC is ready to pave one of our roads and we're not ready for it. I second your motion.

Councilman Westland stated it is a fact that we missed an opportunity to have Murry Street redone.

Councilman Derbidge stated from you're only talking on Murry Street from Clark to 2nd, not all of Murry Street.

City Engineer Almberg stated Clark to 2nd is what we anticipate is our farthest. Murry Street is also one of our CDBG applications, so we will be able to use this funding as a match and may be able to go farther than 2nd Street.

City Attorney Sears stated we learned today there is potential for a slight amount of increased traffic because the mine is proposing closure of 44A.

Councilman Westland's Motion passed 3 to 1, with Councilman Derbidge voting Nay.

5. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 5A-1 Minutes; 5A-2 Payment of Bills.

Moved by: Councilman Westland Second by: Councilman Hanson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- May 20, 2014
- May 28, 2014
- June 6, 2014
- October 9, 2014

2. Discussion/For Possible Action - Payment of Bills.

- November 13, 2014
- November 21, 2014

The bills are on file at City Hall.

B. OLD BUSINESS

1. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1 – 6.

City Clerk Switzer stated we're spending time and money running background checks, however our ordinance does not provide any qualifications for a bar card. Our City Attorney has brought before us language that would protect the City, as well as the rights of applicants (appears below).

SEARS LAW FIRM, LTD.

RICHARD W. SEARS
ATTORNEY AT LAW

Proposed Language Modification for Employment Compliance Certificate Ordinance:

1. No Compliance certificate will be issued to those persons listed below:
 - A. Persons convicted of any crime equivalent to a Nevada Category A Felony;
 - B. Persons convicted of any felony involving the use of violence against another person;
 - C. Persons being supervised by the Department of Parole and Probation, or its equivalent entity from another state, who lack written approval to work in a licensed establishment from the supervising agency;
 - D. Persons who have been convicted of any felony where firearms were used in the commission of a crime;
 - E. Persons who have been convicted of any felony or gross misdemeanor where the predicate crime was theft, false pretenses, unlawful use of a credit card, or identity theft.
 - F. A person who has successfully completed felony or gross misdemeanor probation or felony parole and whose civil rights have been restored or who has received a pardon may be entitled to a certificate at the sole discretion of the Ely City Mayor;
2. Failure to fully disclose a felony or gross misdemeanor criminal conviction will be sufficient grounds for denial or immediate revocation of a certificate.
3. Any person aggrieved by the denial or revocation of a certificate may seek a review hearing before the City Council by filing a request for review with the City Clerk within 30 days of the announcement of the denial or revocation.
 - A. Failure to appear before the City Council and to provide clear and convincing evidence demonstrating an error was made in the denial determination will result in an affirmation of the denial.
 - B. A vote by the majority vote of the City Council is required to overturn a denial or revocation.

Councilman Hanson moved to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1-6. Councilman Westland seconded the motion. The motion carried unanimously.

2. Councilman Setterstrom – City Attorney Sears – Discussion/For Possible Action - Approval of First Reading of Ordinance 669, Bill No. 2014-05: An Ordinance amending Ely City Code Section 3-2-7 H1 to change the First Violation penalties for selling alcoholic beverages to minors to a one hundred dollar (\$100.00) fine.

Councilman Setterstrom stated this fine would be to the holder of the liquor license and I move to approve the First Reading of Ordinance 669.

Councilman Westland seconded the motion. The motion carried unanimously, with Councilman Derbidge abstaining.

3. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration of *Payment Service Network (PSN)*'s and *Xpress Bill Pay*'s Online Bill Pay proposals and selection of company to administer Online Bill Pay for the City of Ely.

City Clerk Switzer reviewed his analysis below and stated both companies will honor a twelve-month no fee increase.

DATE: December 1, 2014

TO: Mayor Van Camp and Council Members

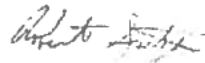
RE: Online Utility Bill Pay

Mayor Van Camp and Council Members,

SUMMARY: As you will recall at our last Council meeting, we discussed an online utility bill pay service through our City website. The criteria for selection would be the necessity for integration with our accounting software Caselle, initial set-up fees, ongoing service fees, and customer convenience, security for both customers and the City, and support for administrative staff. We considered two companies, *Payment Service Network (PSN)* and *Xpress Bill Pay*. Both offered similar products, services, and support. The differences were in initial set-up and ongoing fees. PSN had lower initial costs (approx. \$800.00) but higher service fees (\$5.50/EFT transaction), while Xpress had higher initial costs (approx. \$5,500.00) but lower service costs (\$30/EFT transaction). Both companies will honor no increases in fees for a one-year contract.

ANALYSIS: We are averaging about \$2,416.00 each month to mail out 3,393 utility statements. That works out to about \$.71 for each statement. Utility customers then must either spend another \$.49 in postage to mail back their payment, drop the payment at City Hall, call to charge payment to a credit card, or send an ACH payment (approx. 300 customers/month) through their bank. Initially, we would still mail out statements to all customers with a goal of reducing mailing statements when customers voluntarily include online billing for their accounts(s). We have the ability to stop mailing statements through a function in Caselle. If we set a goal with 25% of customers utilizing online billing the first six months, we would realize a net savings of about \$250 - \$300.00 a month in printing and postage costs. Savings in staff time would need more analysis after a period of time. Eventually, we may look at printing and mailing statements in-house if the program is successful.

RECOMMENDATION: The City approve PSN for its Online Utility Bill Pay service due to a lower initial costs.



Robert Switzer
City Clerk

Councilman Hanson moved to approve *PSN's* Online Bill Pay proposal. Councilman Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Councilman Westland – Discussion/For Possible Action – Consideration to grant a license to A. Toogie to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Westland stated I was approached by Jay Lee, who is the owner of this property. Mr. Lee wants to build a fence at the top of his retaining wall to keep somebody driving into his back yard and for security. Mr. Lee doesn't gain any property and the City doesn't lose any rights to do whatever we want to do with that alley. This application was unanimously approved at the last City Planning Commission meeting. I move to grant a license to Jay Lee to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Setterstrom seconded the motion. The motion carried unanimously.

2. Councilman Westland – Discussion/For Possible Action – Replacement of one concrete garage approach from Center Street to Linda Hastings's property at 307 Nevada Avenue, APN 001-064-20.

Councilman Westland stated on the City right-of-way we did not put a proper approach to the garage; we're talking about 12' x 4' amount of concrete.

Councilman Derbidge asked didn't we have pictures of Center Street before?

City Engineer Almberg stated we did. There is an approach there with a sidewalk; it's just the sidewalk doesn't go all the way to that right-of-way. We took out concrete back to the right-of-way; as we're all aware, we narrowed that road. This would be providing additional three to four feet (3'-4') of width to dirt.

Councilman Setterstrom stated to her property.

City Engineer Almberg stated right.

Councilman Setterstrom stated that should have been included in the project when it was done. She showed me pictures of her house when she bought it and there was a concrete driveway there; over the years, it's disintegrated.

Councilman Derbidge stated when we talked about this before, everybody on Center Street was told what was going to happen. Correct?

City Engineer Almberg stated correct. There are other people who paved back and paid for it themselves. We're talking less than \$150.00 in material.

Councilman Setterstrom stated it is on City property, so we wouldn't allow them to do it.

Councilman Westland moved to replace one concrete garage approach from Center Street up to the Linda Hastings' property line at 307 Nevada Avenue. Councilman Setterstrom seconded the motion.

Mayor Van Camp called for the question: Two in favor, with Councilmen Derbidge and Hanson opposed.

Mayor Van Camp stated everybody was contacted.

City Engineer Almberg stated we had a meeting prior to starting construction, so I believe everybody was aware of it.

Mayor Van Camp stated I am opposed to having this done.

Councilman Westland's motion did not carry.

Linda Hastings stated even though it was there to begin with, now I don't get it back because I didn't go to the meeting to know what was going to happen? I did not know at any period that the concrete . . . Even my sidewalk was replaced four feet (4') out from my fence . . . ; all of that was replaced because it was taken out. What's the big deal? I'm not saying I can't afford to do this – which I cannot afford to do it – but it's like why? You replace something that you took out! Either you're saying that it's my property and I've got to replace it or it's the City property and you're not going to replace it! How did I get into my garage? I have vehicles sitting on the street that I'd like to pull up to my garage, but I can't because of that big dip. I brought this to you two years ago.

3. Councilman Setterstrom – Discussion/For Possible Action – Consideration to donate the unused flagpole at the back of Broadbent Park to any non-profit organization.

Councilman Setterstrom stated a flag used to be at the end of Aultman on a hill; it says "Erected by the citizens of White Pine County June 14, 1917." There's a group of people who want to put the flag back. A 17' x 8' flag has been donated. B.J. offered to donate the engineering to put up the flag pole.

City Engineer Almberg stated I made contact with the land owner; he was taken back at the request of granting an easement, so he's getting to the other family members who have ownership; he didn't seem to be opposed to it.

Councilman Westland stated I'm going to read a request written by Glen Terry of the *Ely Renaissance Society* to the Ely City Council: "The Ely Renaissance Society has been working to install a flag pole on the June 14, 1917 site west of town for some time. We understand that there is a pole available. The *Renaissance Society* is interested in having it donated for this coming new flag. Sincerely, Glen Terry." I move to donate the unused flagpole at the back of Broadbent Park to the *Ely Renaissance Society*.

Councilman Derbidge seconded the motion. The motion carried unanimously.

4. Council Members – City Building Official Christiansen – Discussion/For Possible Action – Approval of Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely.

City Building Official Christiansen stated this is something we've been working on for quite some time. This is approval by the State of Nevada to allow the City to do the inspections and permitting on manufactured housing; right now, it's all being done on a State level - around \$800.00 per inspection – so, this would relieve some of that pressure. With the approval of this, it's set up that I'll go to Las Vegas for five days to get the certification through Manufactured Housing.

City Attorney Sears stated I've reviewed the contract and it meets all the formalities.

Councilman Hanson moved to approve the Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely. Councilman Westland seconded the motion. The motion carried unanimously.

Regular Meeting of the Ely City Council December 11, 2014

5. Councilman Westland – Discussion/For Possible Action – Repair of signage at the Railroad Crossings in the City of Ely to comply with the NDOT request letter of October 1, 2014.

Councilman Westland reviewed the October 1, 2014 Nevada Department of Transportation letter to the City of Ely appearing below and stated the Railroad is responsible for signs adjacent to tracks, but the City is responsible for the advanced warning signs and pavement markings. I move to comply with the NDOT requirements outlined in their October 1, 2014 letter.



OFFICE OF THE
GOVERNOR

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1261 S. Stewart Street
Carson City, Nevada 89012

October 1, 2014

By Email

October 1, 2014

Mr. Ron Jensen, Public Works Director
City of Ely
211 Mill Street
Ely, NV 89301
(775) 269-1572
cel@cityofely.com

Mr. Ron Jensen:

Under the federal program listed as U.S. Code Title 23, Section 129 and the Rail Safety Improvement Act of 2008 (RSIA 2008), all highway railroad crossings are to be inventoried and reviewed for safety. Nevada Department of Transportation, Railroad Safety Engineering is reviewing and analyzing crossings in the state for safety requirements such as signing, pavement markings, active warning devices, illumination and crossing surface condition on a triennial basis.

During a recent inspection of the following crossings in your area, some items were recognized to be out of standard as listed in the current edition of the MUTCD and/or the NDOT Standard Plans. In accordance with MUTCD Section 1A.02, the public agency is responsible for the maintenance of traffic control devices in their jurisdiction. The following items were noted as missing or needing attention by your agency:

DOT #15-322B Avenue C:

- Repair Advance Warning Sign (W10-1) on east side of crossing.

DOT #913-086J Avenue C - East Ely:

- Replace Advance Warning Sign (W10-1) on north side of crossing
- Repair pavement markings.
- Install (W10-4) on Golf Course Road

DOT #851-546K Avenue F - Southern Canal:

- Replace pavement markings
- Repair Crossing Approaches

DOT #855-887W Seventh Street - Ely:

- Install Advance Warning Sign (W10-1) north of crossing
- Install Advance Warning Sign (W10-4) on Vista Grande Drive & Morley Avenue

The function of signs and pavement markings are to provide regulation, warnings, and guidance information for all road users. We urge you to complete the maintenance in a timely manner. Updating these crossings to current standards helps promote highway-railroad safety. Please notify us when each item has been completed, and when possible, send photos of the completed items to the contact information below.

If you have any questions regarding this letter, please feel free to contact me at (775) 888-7333 or brandon.henning@state.nv.us or for Allen at (775) 888-7379 or allen@ndot.state.nv.us.

Sincerely,

Brandon Henning, Railroad Safety Engineering
Nevada Department of Transportation
1261 S. Stewart Street, C816
Carson City, NV 89012

¹ <http://www.fhwa.dot.gov/ohp/ndot/ndot.html>
² <http://www.ndot.state.nv.us/ndot/ndot.html>

City of Ely

cc: District 3 Engineer - Mr. Kevin Lee
Assistant D.E. (Ely) - Mr. Randy Westland
Traffic Engineer - Boyd Rutledge

Councilman Derbidge seconded the motion.

City Engineer Almberg stated in a meeting with NDOT officials, the County was very concerned about the cost of doing signage for portions of the Railroad that don't run; NDOT expressed their desire to close these crossings in the County, which could be reopened when needed.

Councilman Westland's motion carried unanimously.

6. Mayor Van Camp – City Clerk Switzer - Discussion/For Possible Action – Consideration to relocate City of Ely public meetings to the White Pine County Aquatic Center conference room.

Councilman Derbidge asked is it possible to turn the thermostat up?

Mayor Van Camp stated it was warm in here this morning.

City Clerk Switzer stated we'll have to check and see. We should be able to save at least \$1,300.00 per year over renting the current space at the Armory.

Councilman Derbidge asked can we choose our dates six months in advance?

Minutes Clerk Lee stated Director Brown stated that the County would be willing to give us a year's lease.

Mayor Van Camp stated it also helps the pool with revenue.

Minutes Clerk Lee stated our lease with the Office of the Military for the Armory ends at the end of this month, so we need to let them know.

Councilman Westland asked are they willing to renew that lease?

Minutes Clerk Lee stated yes, they are.

Councilman Derbidge moved to table this item until the December special meeting. Councilman Westland seconded the motion. The motion carried unanimously.

7. Mayor Van Camp – Discussion/For Possible Action – Acceptance of City Attorney Richard Sears' resignation.

Councilman Westland moved to accept City Attorney Sears' resignation. Councilman Hanson seconded the motion. The motion carried 3 to 1, with Councilman Derbidge opposed.

8. Mayor Van Camp – Discussion/For Possible Action – Consideration to advertise the position of City Attorney, to be employed full time by the City of Ely.

Councilman Hanson moved to advertise the position of City Attorney, to be employed full time by the City of Ely. Councilman Westland seconded the motion.

Councilman Derbidge stated you're having a motion to spend City funds without knowing how much these City funds are. Having our own attorney as a City employee incurs PERS, health insurance and all the office expenses. What's our budget?

City Clerk Switzer stated our budget for our contracted legal services is \$110,000.00.

Councilman Derbidge stated if we're going to go over this \$110,000.00 with benefits, I don't think enough thought has gone into this. Mr. Briggs might like to say something.

City Prosecutor Briggs stated when I left as the full time City Attorney a year and a half ago, the salary I received with benefits was approximately \$135,000.00, according to the City Treasurer. We were saving some money based on the agreement that we have currently, but I understand some benefits of having a full time City Attorney, since I was in that position five and a half years.

Councilman Hanson's motion carried 3 to 1, with Councilman Derbidge voting Nay.

9. Councilman Derbidge – Discussion/For Possible Action – Review of City of Ely organizational chart.

Councilman Derbidge stated on our chart we have the Fire Department, Director of Public Works and the Building Official answering to the Mayor and the City Council; those three should be answering to the City Clerk for days off, vacation and benefits. I don't think the day to day business of running their departments should be under the City Clerk, but I don't think it's right to get an email from somebody that's saying 'I'm taking tomorrow off' when we expect other employees to give a couple weeks notice.

Councilman Hanson stated use a dotted line between the City Clerk and those positions.

Councilman Derbidge stated I move to change the Fire Department, Public Works, and the Building Official to report to the City Clerk for Human Resources, shown by a dotted line on the City Organizational Chart. Councilman Hanson seconded the motion. The motion carried unanimously.

Mayor Van Camp adjourned the meeting of the Ely City Council and turned the gavel over to the WPHRF Board of Trustees Chairman to convene the W.P. Historical Railroad Foundation Board of Trustees.

6. A MEETING OF THE WHITE PINE HISTORICAL RAILROAD FOUNDATION (WPHRF) BOARD OF TRUSTEES.

A. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding a copy of the answers that Mr. Gianoli gave in response to Councilman Westland's and Gladine Patras' improvement lists; a copy of Mark Bassett's loan documents; Mark Bassett and his wife's salary; and monthly cash flow sheets for track rental income. Mr. Stork was concerned about permits being taken out. I've yet to see if he took out a permit to encroach and pave on private property off Winter Road. In regards to the lady that talked to you about the section of concrete that was taken out, if you go to the top of Center Street, you went to back to Mrs. Hecker's property and filled in the gap; you need to consider equality there.

Judy O'Brien stated in November, 2014 I attended both the Railroad Management and Trustee meetings. At each the citizens are given the opportunity to make comments; I did not. Upon reflection, I decided I needed to deepen my understanding of the issues. The July 2014 minutes on page 4 of the directors' meeting states the following: "You are the Trustees; You are the power of the corporation; The Management Board manages; Write it up and tell us exactly what your concerns are." Documentation was given to me from many sources and several questions arose with one burning concern. Mark was emailed and consented to meet with me. My question was the S & S track repair expense of \$374,000.00. I did not find it on their October 31, 2014 balance sheet under long term liabilities. My understanding from Mark is that half the charge is the City's and half the Railroad's; it has not been accounted for to date on the balance sheet. My concern is the accounting of legal fees in 2014; January through October on the profit and loss statement 1747/Legal Fees are \$34,035.56. When I asked if this was to date, the answer was the fees will not be known until the completion of the court case. Again, this concerns me as the Board of Directors signed an agreement for representation and we, the citizens, have no idea what the costs may be in total, to date or for how long. These two items are expenses to the Railroad; one has not been booked and the other only partially. I'm afraid the costs are escalating.

B. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson's term end of September 30, 2014.

Chairman Derbidge stated this was on the last meeting and I asked Counsel for both sides to come to an agreement on the terms.

Scott Husbands stated we did meet; we didn't agree. It's our position that there are no vacancies because the terms have not expired. If this Board decides to go forward - advertising vacancies - we will seek a preliminary injunction in court, again, to attempt to stop you.

Chairman Derbidge stated if it's the Board of Trustees' desire, we follow the judge's edict and send a written letter.

Scott Husbands stated if you read through the documentation we gave you, it shows that with respect to Mr. Larson and Mr. Gianoli there are no vacancies.

Chairman Derbidge stated the documentation given to us from the minutes is completely different.

Trustee Westland stated the minutes reflect that the City Council, for years, has bent over backwards to accommodate the wishes of the Railroad: Changing the By Laws so that we could have a non-voting chairman, John Gianoli; changing the By Laws back, so that John Gianoli could become again a voting member upon Terry Gust's resignation; appointing John Gianoli with those terms; and correcting the terms so they would be on the proper schedule.

Scott Husbands stated my position is Mr. Lampros was on the board in 2007 and stepped off the board in 2008. Mr. Larson filled out the vacancy created by Mr. Lampros. Mr. Larson was reappointed in 2011; his term should be up in 2015.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli's term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust's term.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Mayor Van Camp stated I did get a phone call from Mr. Samberg today and we did engage him . . .

City Attorney Sears stated I engaged him.

Mayor Van Camp stated Rich engaged the letter for Mr. Samberg to send to the *S & S* attorney; he called me saying he hasn't had anything from Mr. Husbands, aside from being stalled, and you're waiting to hear from *S & S*? He would like to know . . . Are you representing *S & S*? He's not getting any information.

Scott Husbands stated John is wrong; I'm not stalling. We have in the past represented *S & S*; we currently do. As I explained to him when he talked to me about this a week ago – when he sent me an email saying he was engaged by this Body - I told him I need to

check with my client; I've attempted to do that on two separate occasions. I've left him voicemails. I'm waiting to hear back from him. So, I need to ask S & S what they want to do, whether they want to give him a report. I don't have railroad expertise, so if that's something they want to pursue, they have the right to do that. John can say all he wants about sending me email after email and following up; the fact of the matter is what I can do in response to his emails is contact my client. I don't appreciate his comment that we're attempting to stall or anything like that.

Mayor Van Camp stated what he's searching for is the full and complete accounting of the S & S.

Scott Husbands stated I told him he is entitled to whatever documents I have. The documents I have are the agreement and some of my communications with S & S; those, of course, are all attorney client privileged. He can get the agreement from you guys. I don't, in my records, have the full accounting, so he's going to have to get that from S & S or you guys are going to have to get that from S & S.

Trustee Westland stated that's what we've been trying to do.

Scott Husbands stated I know. All I'm saying is I'm not stalling. I don't believe they're stalling; he's an incredibly difficult person to reach. Mark is here and could talk to you about difficult it is to reach him when you need to talk about something. I'll continue to try and reach him, but I don't know what he wants to do going forward. Again, I don't have railroad expertise . . . We have in the past represented him. We do currently represent him. We've appeared before this Body in somewhat of a limited capacity, just whenever he happens to be on the agenda. I also have conflict of interest issues to consider. There are none at this point, but there may in the future because we do represent the Management Board and the Foundation. If this goes down a track where the Management Board is at odds with S & S Shortline, I might have to withdraw from my representation of them with respect to that issue.

Trustee Westland stated I want to disclose that John Samberg is my personal attorney in defense of me in the case that the Railroad Foundation has filed against the entire City Council and the Mayor. Some really nasty things were said about me in there that warranted me having my own counsel. In case any of you are wondering if there's any kind of conflict there, I have paid a lot of money to have this guy up to speed. So, if you're wondering about the economy of this decision, I can assure you that we would have to spend a lot of money to educate somebody about this issue.

City Attorney Sears stated that was the point I was going to make. I engaged Mr. Samberg because he was the least expensive I could get. If we have to pay another lawyer to get up to speed, we could shell out a lot of money that has already been invested by Marty.

Trustee Westland stated we already know how difficult it is to get information out of S & S; information that they owe us. I don't know if we owe \$374,000.00 or they might owe us.

Trustee Hanson moved to engage Mr. Samberg to pursue the resolution of the financial records for the Lease Agreement/Join t Development Agreement with S & S Shortline.

Scott Husbands asked what is Mr. Samberg's hourly rate?

Chairman Derbidge stated people would like to know how much the Management Board has spent on legal fees also.

City Attorney Sears stated I engaged him and his fees are reasonable, given the circumstances.

Trustee Westland seconded Trustee Hanson's motion. Trustee Hanson's motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears' suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

City Attorney Sears stated we met and agreed to fourteen (14) calendar days for all formal communications.

Scott Husbands stated we did. The only afterthought leaving Rich's office was with formal communications, there should be some acknowledgement of receipt.

Trustee Westland moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Trustee Setterstrom seconded the motion. The motion carried unanimously.

D. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

Mike Coster stated I wanted to note the loss of Dany Feinstein, the sole marketing person at the Railroad; in the past six months, there seems to be a situation there that caused her to depart on a minutes notice. I would encourage the Railroad Trustees, at your next opportunity, to investigate the terms of that.

Scott Husbands stated I want to make a public records request for whatever engagement agreement you have with Mr. Samberg and his firm; that would hopefully show what the hourly rate was. My understanding of what it might be - based on his experience, his firm, the place where he practices and what he's doing - is it somewhere in the neighborhood of \$400.00 to . . .

City Attorney Sears stated you misunderstand. They don't have an engagement. It's my engagement.

Scott Husbands stated it's my understanding that it's somewhere in the neighborhood of \$450.00 to \$500.00 an hour. I think people need to understand what the scope of the fees might be. We did some work for the City last summer and there was a whole bunch of flack from this Council about whether we should cap the fees and how much money the City's going to spend on a private attorney. So, I mean what's fair is fair. Mr. Samberg's thing seems to be 'nobody's entitled to know how much he charges'. I bet there's no cap on it. I know it may be difficult to cap it because we all have no idea which way this is going to go. We're in the early stages of discovery, but we were put into the position of 'it's not fair to spend the people's money' on something without a cap and now we're being told . . .

City Attorney Sears stated just for the public's information, this does not relate to the Railroad. This relates to *S & S Leasing*. This doesn't have anything to do with the Railroad litigation. This is an engagement to try and figure out whether or not the terms of the contract between the City and *S & S Leasing* are being fulfilled.

Scott Husbands stated I think you should revisit it and cap the fees because legal work takes more time than everybody anticipates. At \$500.00 an hour you guys are going to be looking at a massive legal bill here.

City Attorney Sears stated you already have a massive bill of \$375,000.00 that we can't document is accurate, that we didn't incur.

Garrett Estrada stated I think this room is a lot more comfortable to view a meeting from than the Armory, as a person that has to attend all of them. I'm not sure how cold you were over there, but it's not that cold today.

Chairman Derbidge adjourned the meeting of the White Pine Historical Railroad Foundation Board of Trustees and turned the gavel back to the Mayor to reconvene the Regular City Council Meeting.

7. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE WHITE PINE HISTORICAL RAILROAD FOUNDATION BOARD OF TRUSTEES.

A. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson's term end of September 30, 2014.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli's term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust's term.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Councilman Hanson moved to engage John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*. Councilman Westland seconded the motion.

Councilman Setterstrom stated I would like to say on engaging John Samberg, there were times when Mr. Husbands represented *S & S Shortline* and we've asked for documentation of why we owed \$374,000.00; we've gotten none. We've gotten no quarterly reports. After asking and asking and asking, we've got to find out and if that's the only way we can go about getting it because obviously . . . I don't think that's even an issue.

Councilman Hanson's motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears' suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

Councilman Hanson moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Councilman Westland seconded the motion. The motion carried unanimously.

8. REPORTS

CITY COUNCIL

Councilman Hanson stated with Marty, I attended the meeting with the County regarding an Inter Local agreement for the building inspector; the proposals look viable and allow us six months to see how this thing will work.

Councilman Westland we decided at a prior meeting to limit the truck traffic going down Mill; the highway department did confirm that is not a state highway.

Councilman Derbidge stated we discussed at the last meeting to put up some signs on Murry and Mill; the mine said they were going to start that in February.

Councilman Setterstrom stated he had no report.

MAYOR

Mayor Van Camp reviewed her approvals appearing below and stated I would like to thank Rich for all the work he's done for the City.

I approved 24-Hour Liquor Licenses for:

- The Fashion Show at the Convention Center, November 29, 2014,
- The Festival of Trees at the Convention Center, December 5, 2014, and
- Barrick's Holiday Party at the Convention Center, December 11, 2014.

I approved Special Events/ 24-Hour Liquor Licenses for:

- The Firemen's Ball at the Convention Center, December 31, 2014; and
- Kennecott Years Reunion Festivities July 2-4, 2015.

9. AGENDA ITEMS FOR THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING.

Councilman Hanson stated we have a STOP sign issue for the January meeting.

10. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items ~~will not be~~ accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

City Engineer Almberg stated in my earlier report I forgot to mention that another thing which came up in our meeting with NDOT was our Aultman Street project and they are looking at 2017; I said you're putting our City in a tough position because there were rate increases to support that project to complete the underground infrastructure and you continue to slide that date. NDOT said they would attach that information to the project.

George Chachas stated in regards to public information, anything in the packet, should be provided at the time the packet comes out. If you have any information that's going to be disseminated at the meeting, I suggest you get a copy machine. If you present any information at a public meeting, you better be prepared to give everybody a copy that wants it. When you folks appoint a board, they report to you. I'm seeing tons of money being spent on lawyers fighting who's in what position; someone's in the missionary position. I'm tired as a taxpayer of paying those people to fight us. I don't want that Railroad to go down. I don't want any negative publicity. It's a matter of record what you folks did at any given time.

Rick Stork stated what you guys did to that poor lady that lives on Nevada Avenue is a shame. She had concrete up to the edge of her property line; for the City to tear it out and not replace that at least in front of the driveway . . . You have an obligation to put that back as good as it was or better. When Dean Day as your Engineer, he was compassionate with the citizens; he talked to them, worked out an agreement with them and everything came in good on it, but now you've got fancy engineers and everything has to be done by plans. People don't know how to read plans. When we had that meeting at the Fire Hall, we tried to explain it to them. You guys don't mind spending money every other direction. You've spent \$500.00 an hour now for an attorney that's not budgeted. You should not spend it until you budget it. You guys can do what you want for the time being, but I hope your days are numbered.

Regular Meeting of the Ely City Council December 11, 2014

Councilman Derbidge moved to adjourn the Regular Meeting of the Ely City Council at 6:22:26 PM. Councilman Setterstrom seconded the motion. The motion carried unanimously.

MAYOR

ATTEST



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

MEETINGS OF THE:

- ELY CITY COUNCIL
- W. P. HIST. RAILROAD FOUND. BOARD OF TRUSTEES

December 11, 2014 4:00 p.m. – White Pine Aquatic Center – 1111 Veterans Blvd. – Ely, Nevada.

1. Mayor Van Camp called the Regular Meeting of the Ely City Council to order at 4:00:46 PM , led in the Pledge of Allegiance, Sue Winder offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

Mayor Van Camp
Councilman Bruce Setterstrom
Councilman Dale Derbidge
Councilman Marty Westland
Councilman Sam Hanson

City Staff present:

City Clerk Robert Switzer
Public Works Director Ron Jenkins
City Attorney Richard Sears
City Engineer B.J. Almberg
City Fire Chief Ross Rivera
Building Official Brad Christiansen
Minutes Clerk Jennifer Lee

Regular Meeting of the Ely City Council December 11, 2014

Also in attendance: Members of the public were asked to sign in and the sign-in sheet appears below.

Ely City Council
PLEASE PRINT YOUR NAME
Please print your FIRST & LAST name clearly for the attendance list.
12-11-14

<u>JACK VAN CAMP</u>	<u>Shelly Givens</u>
<u>Richardson</u>	<u>Pete Carson</u>
<u>Patricia Carson</u>	<u>James Carson</u>
<u>Cherie Nantz</u>	<u>James Carson</u>
<u>Sherry Smith</u>	<u>Mike Carson</u>
<u>Sam Davis</u>	<u>Janet Van Camp</u>
<u>Mark Tupper</u>	<u>Kevin Carson</u>
<u>Luay Osman</u>	<u>Shirley Furman</u>
<u>Mike Olson</u>	<u>Jim and Kim Furman</u>
<u>George Charco</u>	<u>Tracy Carlson</u>
<u>Linda Hastings</u>	<u>Naomi Kelly</u>
<u>Tim Tim Carson</u>	<u>Bob Wilson</u>
<u>Tony Struchiner</u>	
<u>Tony Locke</u>	
<u>David Lee</u>	
<u>Tom Purinton</u>	
<u>Renee B...</u>	
<u>Garret E...</u>	
<u>Diana Carson</u>	

Ely City Council
PLEASE PRINT YOUR NAME
Please print your FIRST & LAST name clearly for the attendance list.
12-11-14

<u>David Lee</u>	<u>Committee</u>
------------------	------------------

Mayor Van Camp read Councilman Lee's letter appearing below.

December 11, 2014

RECEIVED

Mayor and City Council
501 Clark Street
Ely, Nevada 89301

DEC 12 2014

Dear Mayor and City Council,

After weeks of careful consideration I have decided to submit my resignation as city councilman effective immediately.

It has been a pleasure working with you, and I trust you will appoint a new councilman who is as interested in continuing to improve the city as I am.

Sincerely,

Randy Lee
Randy Lee

Regular Meeting of the Ely City Council December 11, 2014

2. **PUBLIC COMMENT:** Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding whether County Commissioner Lampros received a variance; whether Campton Street was narrowed; the White River Museum's rates; and Senator Pete Goichoechea's landfill billing.

Rick Stork stated I'd like to know why Councilmen Hanson and Derbidge did not buy excavation permits when they had their curb/gutter put in.

Councilman Derbidge stated you're wrong on that.

Rick Stork stated I checked with City Hall and they don't have one on file, unless you did it after the fact today.

Councilman Hanson stated we didn't do it because I contacted the City Engineer and he said it wasn't necessary.

Rick Stork stated it is, anytime that you dig in the City right-of-way.

Councilman Hanson stated I asked the proper City official and he has the authority to say . . .

Rick Stork stated he's wrong, so he should pay the fine for you. It says right on the excavation permit; your building inspector will tell you it's always been that way. You're using your position as a City Councilman to get favors from your City Engineer.

Mayor Van Camp stated that's enough.

Rick Stork stated I'd like to know what the \$40.00 check paid to *Van Camp Towing* was for and what the \$94.00 the City paid to *Sew Krazy* was for.

Mayor Van Camp stated the money paid to me was for Animal Control uniforms and I've done those year after year.

Rick Stork stated there are other businesses in town that do sewing and with the position you're in, it should be put out to bid.

Mayor for Van Camp for *Van Camp Towing*, I'm not sure what my brother did.

3. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Fire Chief Rivera stated I was saddened to have a funeral for Patrick Simon, one of our volunteers; he was a great asset to the whole community. This weekend is our annual house to house drive, so we will be utilizing some of the City vehicles.

Fire Chief Rivera's blotters are on file at City Hall.

- POLICE CHIEF

Sheriff Watts' blotters are on file at City Hall.

Regular Meeting of the Ely City Council December 11, 2014

- CITY CLERK

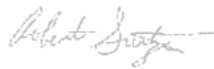
DATE: December 5, 2014

TO: Mayor Van Camp

RE: Update on FY2014 Audit

Mayor Van Camp and Council Members.

Last meeting I mentioned the City had been granted a one month extension from the State of Nevada on our audit per the request for our auditors. I talked to the head auditor, McKay Hall, and there is an actuary report we are waiting on which is scheduled to be done by this Friday. The report is for calculating post-employment benefits such as pension obligations and is now a requirement for governmental entities. Moving forward, I would anticipate an earlier start on the report next audit. According to McKay, the audit is due to the Council by December 31st and submitted to the State by January 31st.



Robert Switzer
City Clerk

DATE: December 5, 2014

TO: Mayor Van Camp
Members of the City Council

FROM: Robert Switzer, City Clerk

RE: Financial Report (July-October 2014)

Cash Positions

FNB – Revolving Loan Fund	\$ 70,936.50
FNB – Ambulance Fund (New acct.)	2,479.37
FNB – Contingency Funds	6,493,022.13
FNB – General Checking	2,135,751.77
BofA- General Checking (10/31)	13,003.92
BofA- Ambulance Fund (10/31)	<u>175,186.40</u>
Totals	\$8,890,380.09

General Fund

Revenues are close to budget with \$645,142.83 received through the end of October and annual budget of \$1,907,875. CTX revenue is on target with receipt of \$401,439.05 and an annual budget of \$1,202,218. Total expenditures are holding a little under budget at \$646,579.12 which is 28.8% of budget.

Proprietary Funds

Our three Enterprise Funds, Water, Sewer, and Landfill, are positive in revenue over expenditures. Attached is the printout for the funds.

Road/Street Fund

Road tax revenues have picked up somewhat making them much closer to our budget. However, expenditures are still above revenues collected. A printout is attached.

- CITY ATTORNEY

City Attorney Sears stated he had no report.

Regular Meeting of the Ely City Council December 11, 2014

• PUBLIC WORKS DIRECTOR

Date: December 1, 2014
To: Mayor, Council and Board Members
From: Ron Jenkins, Public Works Director
Subject: Monthly Report

Parks and Cemetery:

During the Month of November the crew spent time winterizing the sprinkler systems. They also spent time preparing the ice skating park at the old terrace park. We are now waiting on cold weather. The crew assisted in cutting weeds on main St, trimming trees at cemetery and parks, finished the fence around Broadview Park. Raised and repaired fifteen headstones.

In case anyone is wondering, we do burials in the winter months.

Burials - 5 Cremations - 1

Landfill:

Landfill operations continue to run in compliance with NDEP. Permit is near completion of the permit modification, including recycling. The thirty day comment period will begin around December 5, 2014. Top soil is being excavated for the perimeter drainage ditch.

Equipment Maintenance:

Landfill loader and grader serviced. All other equipment is current.

Tons of Waste:

Year to Date, Class 1, 7026.91 Daily average, 21.62

Year to Date, Class 3, 6894.19 Daily average, 21.21

Wastewater Treatment Plant:

The Wastewater Plant is running good with no violations to report. Stephany Hurdick and Bruce Ashby are doing a great job keeping maintenance, operation and compliance sampling up to date. The centrifuge is running good with no new problems to report.

Water Sewer:

The SCADA site at the courthouse tanks is having issues with the solar charging system. As we speak, we are having power run to the site and should have permanent power installed by tomorrow. During the power outages, the 17th & M well started multiple times on needed. This mistake is being corrected. Stephany Hurdick has been assigned cross connection control inspections and enforcement. Stephany has done an outstanding job with compliance sampling on the water system and I am confident we will see the same results with CCCP.

There were no water service replacements during the month of November. We did have a main break on 1459 Autumn St.

Sewer Backups:

- 450 5th St.
- 890 Ave C
- Bell Ave

Street Department:

All equipment maintenance is up to date and operational. All sanders and snow plows are ready to go when the snow fly's.

If anyone has any questions or concerns, please feel free to contact me at anytime.

- CITY ENGINEER

City Engineer AlMBERG reviewed the City Smaller Maintenance Projects list appearing below and stated we've been working with Ross to prepare for a January fire inspection on our water system. We're working with the Landfill to get their 2nd Half report done. We needed to extend stock watering rights being used on the Georgetown Ranch, so hopefully we can get to a certificate and won't have to deal with this annually. We're compiling our two CDBG applications. We're going to prepare the legal exhibits for encroachment on Winter Road and Rich will then prepare an easement agreement. We're also working on RTC projects and the Avenue C extension from the Golf Course to 15th street.

City Smaller Maintenance Projects

12/2014

Cedar Street sewer and water extension.

- Extremely long Service connections and the City have recently had problems with these.

Bell Ave Main.

- Existing 4" waterline on Bell between Aultman and Campton Street is old and has the potential of failure

Upper Bell Ave.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

Court House Tanks Overflow.

- Overflow line has several leaks that in current pumping conditions for RW-6P and RW-7P is constantly leaking during the cooler months of low water use.

Morley Avenue.

- Pressures are inadequate in this area and a booster pump needs to be installed

Main Water Valves.

- Replace various malfunctioning main valves around town

Fire Hydrants.

- Adding additional fire hydrants around town

Raise Manhole Lids.

Raise various manhole lids around town.

Belfort Avenue.

- This is a dead end main and in need of a fire hydrant or flush valve on the end

- CITY BUILDING OFFICIAL

Building Official Christiansen stated I have nothing at this time.

4. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITY BOARD.

A. OLD BUSINESS

1. Board Members –*Robinson Nevada Mining Company (RNMC)* representative – Discussion/For Possible Action – Update to the Utility Board on the *Robinson Nevada Development*, Ruth Pit Development and water mitigation efforts within the City of Ely.

Councilman Derbidge stated the Utility Board requested a static water level report.

Public Works Director Jenkins stated I did try to contact Blair today and did not get in touch with him. They also requested GPM: 1300 GPM for RW-6P and 1800 GPM for RW-7P; I emailed that out to everybody.

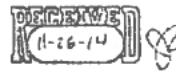
B. NEW BUSINESS

1. Board Members – Public Works Director Jenkins – Councilman Lee – Discussion/For Possible Action – Consideration to establish a voluntary recycling program, along with *J & M Trucking*, at the City of Ely Landfill.

Councilman Derbidge, referring to the *J & M Trucking* proposal appearing below, stated this came from a discussion on recycling with Councilman Lee, the Mayor, Tony Locke and myself; we came up with an idea for Tony to put some containers at the dump – the City would pay rent on them - to extend the life of the Landfill and help the environment.



November 26 2014



City of Ely
501 Mill Street
Ely, NV 89301

SUBJECT: INTERIM LANDFILL SITE RECYCLING PROPOSAL

Gentlemen:

J & M Trucking Inc. proposes the following

- Placement of up to four (4) forty yard enclosed-top roll-off bins at site designated by Ely landfill operator to be used for sorting of recyclable materials overseen by landfill operator at a cost of \$120.00 per unit per month
- At landfill request J & M will replace loaded containers with empty ones at a cost of \$25.00 per occurrence. J & M will weigh and process all materials produced and report tonnages to the City of Ely. J & M will be entitled to the value of all materials produced.
- The term of this agreement shall be for a minimum of six (6) months at which time the City of Ely and J & M will re-evaluate procedure and costs.
- J & M will require 90 days lead time to procure roll-off bins.

Please contact me with any questions at (775) 289-4355

Sincerely,

J & M TRUCKING INC.

A handwritten signature in cursive script that reads 'Tony Locke'.

Tony Locke
President

Tony Locke of *J & M Trucking* stated it is simply putting containers at the Landfill that the Landfill operation could oversee, so garbage is not thrown in there. When the bin is full, we'll swap it out and incorporate it into our recyclables.

Mayor Van Camp stated this is a large cost for you to get the bins.

Tony Locke stated it is significant, but I'm excited we're finally going to incorporate that approach to the Landfill.

Councilman Setterstrom asked how many bins?

Tony Locke stated we're proposing four.

Mayor Van Camp stated all the small communities around the State are doing recycling, but us: Eureka, Fernley and Lovelock.

Tony Locke stated what we're doing is not economically viable; I'm not making money on this. Nobody else will do what I'm proposing for the cost that I'm asking. The payoff to us as a community is every day we can extend the life of that Landfill.

Mayor Van Camp stated eighty percent of all plastic bottles end up in the Landfill; it takes a thousand years for a bottle to disintegrate and Styrofoam cups take five hundred years.

Councilman Derbidge stated to see if it's economically viable for the City and for Tony, you have to have a test.

Tony Locke stated I'm making a \$15,000.00 investment for us to do this.

Councilman Westland moved to accept *J & M Trucking's* recycling proposal for a six month trial period. Councilman Setterstrom seconded the motion.

Councilman Derbidge stated the Utility Board approved this, with the six month trial starting when the bins are up.

Mayor Van Camp stated it's only a matter of time before the government makes us recycle.

Councilman Westland's motion carried unanimously.

2. Board Members – Public Works Director Jenkins - Discussion/For Possible Action – Consideration to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley behind the proposed *Family Dollar Store*, to be located at 14th and East Aultman.

Councilman Derbidge stated we already granted *Family Dollar* permission to use asphalt in the alley and now they want to use concrete; the Utility Board granted permission if their drainage plan is approved by the City Engineer.

City Engineer Almberg stated they've cut down that alley and we want to make sure we get a plan that doesn't affect the neighbors' access.

Councilman Derbidge moved to allow *Family Dollar Store, Inc.* to use concrete for approximately 175 feet of alley at 14th and East Aultman with the provision that their drainage plan must be approved by the City Engineer. Councilman Hanson seconded the motion.

City Engineer Almberg stated I want to make sure we don't allow parking to creep into that alley.

Building Official Christiansen stated if we're going to do that, let's add they have to put up NO PARKING signs.

Councilman Derbidge amended his motion to add that NO PARKING signs be placed by *Family Dollar Store* in the alley. Councilman Hanson amended his second to include the same. The motion carried unanimously.

3. Board Members – Public Works Director Jenkins - Discussion/For Possible Action - Approval or disapproval of renewal of prior emergency services Interlocal Agreement for Water Operator Services between the McGill-Ruth Consolidated Sewer and Water General Improvement District and the City of Ely.

Councilman Derbidge stated the Utility Board passed this, but wanted a ninety-day day time frame from 12-11-14 to give Ruth-McGill time to go over their agreement and come back. It's been going on six months and we haven't got anything in writing.

Public Works Director Jenkins stated in this agreement, there's an additional \$500.00 a month, on top of our hours we're doing.

Councilman Derbidge moved to approve the renewal of the prior emergency services Interlocal Agreement for Water Operator Services with the McGill-Ruth Consolidated Sewer/Water GID for ninety days, starting today. Councilman Hanson seconded the motion. The motion carried unanimously.

4. Board Members – Councilman Derbidge – Councilman Setterstrom – Discussion/For Possible Action – Reallocation of \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Derbidge stated the Utility Board wants to finish the Aeration project to complete the Waste Water Treatment Plant before starting on Murry Street.

Public Works Director Jenkins stated this has been budgeted and approved; that's why I feel it should go forward. Right now there's a submersible aerator on the bottom, eighteen feet; if a seal goes out, you have to pull it out with a crane and send it off to be rebuilt.

Councilman Setterstrom asked you said to replace an aeration pump was \$10,000.00; I asked you when was the last time you replaced one and you said a couple years. Public Works Director Jenkins stated this is the longest I've ever seen us go without having to replace one.

Councilman Setterstrom stated for \$400,000.00, you want to fix something that isn't broke.

Public Works Director Jenkins stated I'm looking for more efficiency

Councilman Setterstrom stated right now we're running at 4 and 5 and redoing it would bring us down to a 3; we're within legal limits up to 10. We just added all new air pumps in 2006.

Public Works Director Jenkins stated they're blower assists. If you ask me will the pumps last another year or two, they might and they might not. If you get an upgraded aeration, you will get a better treatment and a change in capacity for an increased population. Councilman Derbidge asked how long has that aeration system been in?

Public Works Director Jenkins stated I believe it's 2000, before me. In 2008 we were having major problems with the aeration; we added these blowers and that corrected the problem. We did not put a secondary clarifier in.

Councilman Derbidge asked what would we get for the \$435,000.00?

Public Works Director Jenkins stated all equipment will be above ground and a similar system to the waste tanks. There would be one submersible pump on one end and one submersible pump on the other and all the blowers on top. If one of those pumps went down, it's on a float like a well pump.

Councilman Setterstrom stated in an RTC meeting this spring, Mike Lemich said we could take that \$400,000.00 + and pave Murry Street and you said you didn't want to do two expensive projects in the same year because you had the Water Treatment Plant to do, but that it was not a necessary job.

Public Works Director Jenkins stated when you asked me if we could wait a year or two, I answered yes. I'm recommending aeration.

Councilman Westland stated several people have expressed that the whole plant is designed for a capacity much greater than . . .

Public Works Director Jenkins stated we're at sixty percent (60%).

Councilman Westland moved to reallocate \$435,000.00 budgeted for New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street.

Councilman Setterstrom stated I don't want to come into a situation again when the RTC is ready to pave one of our roads and we're not ready for it. I second your motion.

Councilman Westland stated it is a fact that we missed an opportunity to have Murry Street redone.

Councilman Derbidge stated from you're only talking on Murry Street from Clark to 2nd, not all of Murry Street.

City Engineer Almberg stated Clark to 2nd is what we anticipate is our farthest. Murry Street is also one of our CDBG applications, so we will be able to use this funding as a match and may be able to go farther than 2nd Street.

City Attorney Sears stated we learned today there is potential for a slight amount of increased traffic because the mine is proposing closure of 44A.

Councilman Westland's Motion passed 3 to 1, with Councilman Derbidge voting Nay.

5. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 5A-1 Minutes; 5A-2 Payment of Bills.

Moved by: Councilman Westland Second by: Councilman Hanson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- May 20, 2014
- May 28, 2014
- June 6, 2014
- October 9, 2014

2. Discussion/For Possible Action - Payment of Bills.

- November 13, 2014
- November 21, 2014

The bills are on file at City Hall.

B. OLD BUSINESS

1. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1 – 6.

City Clerk Switzer stated we're spending time and money running background checks, however our ordinance does not provide any qualifications for a bar card. Our City Attorney has brought before us language that would protect the City, as well as the rights of applicants (appears below).

SEARS LAW FIRM, LTD.

RICHARD W. SEARS
ATTORNEY AT LAW

Proposed Language Modification for Employment Compliance Certificate Ordinance:

1. No Compliance certificate will be issued to those persons listed below:
 - A. Persons convicted of any crime equivalent to a Nevada Category A Felony;
 - B. Persons convicted of any felony involving the use of violence against another person;
 - C. Persons being supervised by the Department of Parole and Probation, or its equivalent entity from another state, who lack written approval to work in a licensed establishment from the supervising agency;
 - D. Persons who have been convicted of any felony where firearms were used in the commission of a crime;
 - E. Persons who have been convicted of any felony or gross misdemeanor where the predicate crime was theft, false pretenses, unlawful use of a credit card, or identity theft.
 - F. A person who has successfully completed felony or gross misdemeanor probation or felony parole and whose civil rights have been restored or who has received a pardon may be entitled to a certificate at the sole discretion of the Ely City Mayor;
2. Failure to fully disclose a felony or gross misdemeanor criminal conviction will be sufficient grounds for denial or immediate revocation of a certificate.
3. Any person aggrieved by the denial or revocation of a certificate may seek a review hearing before the City Council by filing a request for review with the City Clerk within 30 days of the announcement of the denial or revocation.
 - A. Failure to appear before the City Council and to provide clear and convincing evidence demonstrating an error was made in the denial determination will result in an affirmation of the denial.
 - B. A vote by the majority vote of the City Council is required to overturn a denial or revocation.

Councilman Hanson moved to add disqualifying factors for individuals applying for Bar Cards similar to 3-6-11 Section E, Subsections 1-6. Councilman Westland seconded the motion. The motion carried unanimously.

2. Councilman Setterstrom – City Attorney Sears – Discussion/For Possible Action - Approval of First Reading of Ordinance 669, Bill No. 2014-05: An Ordinance amending Ely City Code Section 3-2-7 H1 to change the First Violation penalties for selling alcoholic beverages to minors to a one hundred dollar (\$100.00) fine.

Councilman Setterstrom stated this fine would be to the holder of the liquor license and I move to approve the First Reading of Ordinance 669.

Councilman Westland seconded the motion. The motion carried unanimously, with Councilman Derbidge abstaining.

3. Council Members – City Clerk Switzer – Discussion/For Possible Action – Consideration of *Payment Service Network (PSN)*'s and *Xpress Bill Pay*'s Online Bill Pay proposals and selection of company to administer Online Bill Pay for the City of Ely.

City Clerk Switzer reviewed his analysis below and stated both companies will honor a twelve-month no fee increase.

DATE: December 1, 2014

TO: Mayor Van Camp and Council Members

RE: Online Utility Bill Pay

Mayor Van Camp and Council Members,

SUMMARY: As you will recall at our last Council meeting, we discussed an online utility bill pay service through our City website. The criteria for selection would be the necessity for integration with our accounting software Caselle, initial set-up fees, ongoing service fees, and customer convenience, security for both customers and the City, and support for administrative staff. We considered two companies, Payment Service Network (PSN) and Xpress Bill Pay. Both offered similar products, services, and support. The differences were in initial set-up and ongoing fees. PSN had lower initial costs (approx. \$800.00) but higher service fees (\$5.50/EFT transaction), while Xpress had higher initial costs (approx. \$5,500.00) but lower service costs (\$3.00/EFT transaction). Both companies will honor no increases in fees for a one-year contract.

ANALYSIS: We are averaging about \$2,416.00 each month to mail out 3,393 utility statements. That works out to about \$.71 for each statement. Utility customers then must either spend another \$.49 in postage to mail back their payment, drop the payment at City Hall, call to charge payment to a credit card, or send an ACH payment (approx. 300 customers/month) through their bank. Initially, we would still mail out statements to all customers with a goal of reducing mailing statements when customers voluntarily include online billing for their accounts(s). We have the ability to stop mailing statements through a function in Caselle. If we set a goal with 25% of customers utilizing online billing the first six months, we would realize a net savings of about \$250 - \$300.00 a month in printing and postage costs. Savings in staff time would need more analysis after a period of time. Eventually, we may look at printing and mailing statements in-house if the program is successful.

RECOMMENDATION: The City approve PSN for its Online Utility Bill Pay service due to a lower initial costs.



Robert Switzer
City Clerk

Councilman Hanson moved to approve *PSN's* Online Bill Pay proposal. Councilman Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Councilman Westland – Discussion/For Possible Action – Consideration to grant a license to A. Toogie to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Westland stated I was approached by Jay Lee, who is the owner of this property. Mr. Lee wants to build a fence at the top of his retaining wall to keep somebody driving into his back yard and for security. Mr. Lee doesn't gain any property and the City doesn't lose any rights to do whatever we want to do with that alley. This application was unanimously approved at the last City Planning Commission meeting. I move to grant a license to Jay Lee to construct a security fence on the City alleyway adjacent to 641 Ogden Avenue, APN 001-033-09.

Councilman Setterstrom seconded the motion. The motion carried unanimously.

2. Councilman Westland – Discussion/For Possible Action – Replacement of one concrete garage approach from Center Street to Linda Hastings's property at 307 Nevada Avenue, APN 001-064-20.

Councilman Westland stated on the City right-of-way we did not put a proper approach to the garage; we're talking about 12' x 4' amount of concrete.

Councilman Derbidge asked didn't we have pictures of Center Street before?

City Engineer Almberg stated we did. There is an approach there with a sidewalk; it's just the sidewalk doesn't go all the way to that right-of-way. We took out concrete back to the right-of-way; as we're all aware, we narrowed that road. This would be providing additional three to four feet (3'-4') of width to dirt.

Councilman Setterstrom stated to her property.

City Engineer Almberg stated right.

Councilman Setterstrom stated that should have been included in the project when it was done. She showed me pictures of her house when she bought it and there was a concrete driveway there; over the years, it's disintegrated.

Councilman Derbidge stated when we talked about this before, everybody on Center Street was told what was going to happen. Correct?

City Engineer Almberg stated correct. There are other people who paved back and paid for it themselves. We're talking less than \$150.00 in material.

Councilman Setterstrom stated it is on City property, so we wouldn't allow them to do it.

Councilman Westland moved to replace one concrete garage approach from Center Street up to the Linda Hastings' property line at 307 Nevada Avenue. Councilman Setterstrom seconded the motion.

Mayor Van Camp called for the question: Two in favor, with Councilmen Derbidge and Hanson opposed.

Mayor Van Camp stated everybody was contacted.

City Engineer Almberg stated we had a meeting prior to starting construction, so I believe everybody was aware of it.

Mayor Van Camp stated I am opposed to having this done.

Councilman Westland's motion did not carry.

Linda Hastings stated even though it was there to begin with, now I don't get it back because I didn't go to the meeting to know what was going to happen? I did not know at any period that the concrete . . . Even my sidewalk was replaced four feet (4') out from my fence . . . ; all of that was replaced because it was taken out. What's the big deal? I'm not saying I can't afford to do this – which I cannot afford to do it – but it's like why? You replace something that you took out! Either you're saying that it's my property and I've got to replace it or it's the City property and you're not going to replace it! How did I get into my garage? I have vehicles sitting on the street that I'd like to pull up to my garage, but I can't because of that big dip. I brought this to you two years ago.

3. Councilman Setterstrom – Discussion/For Possible Action – Consideration to donate the unused flagpole at the back of Broadbent Park to any non-profit organization.

Councilman Setterstrom stated a flag used to be at the end of Aultman on a hill; it says “Erected by the citizens of White Pine County June 14, 1917.” There’s a group of people who want to put the flag back. A 17’ x 8’ flag has been donated. B.J. offered to donate the engineering to put up the flag pole.

City Engineer Almberg stated I made contact with the land owner; he was taken back at the request of granting an easement, so he’s getting to the other family members who have ownership; he didn’t seem to be opposed to it.

Councilman Westland stated I’m going to read a request written by Glen Terry of the *Ely Renaissance Society* to the Ely City Council: “The Ely Renaissance Society has been working to install a flag pole on the June 14, 1917 site west of town for some time. We understand that there is a pole available. The *Renaissance Society* is interested in having it donated for this coming new flag. Sincerely, Glen Terry.” I move to donate the unused flagpole at the back of Broadbent Park to the *Ely Renaissance Society*.

Councilman Derbidge seconded the motion. The motion carried unanimously.

4. Council Members – City Building Official Christiansen – Discussion/For Possible Action – Approval of Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely.

City Building Official Christiansen stated this is something we’ve been working on for quite some time. This is approval by the State of Nevada to allow the City to do the inspections and permitting on manufactured housing; right now, it’s all being done on a State level - around \$800.00 per inspection – so, this would relieve some of that pressure. With the approval of this, it’s set up that I’ll go to Las Vegas for five days to get the certification through Manufactured Housing.

City Attorney Sears stated I’ve reviewed the contract and it meets all the formalities.

Councilman Hanson moved to approve the Interlocal Agreement between the State of Nevada Manufactured Housing Division and the City of Ely. Councilman Westland seconded the motion. The motion carried unanimously.

5. Councilman Westland – Discussion/For Possible Action – Repair of signage at the Railroad Crossings in the City of Ely to comply with the NDOT request letter of October 1, 2014.

Councilman Westland reviewed the October 1, 2014 Nevada Department of Transportation letter to the City of Ely appearing below and stated the Railroad is responsible for signs adjacent to tracks, but the City is responsible for the advanced warning signs and pavement markings. I move to comply with the NDOT requirements outlined in their October 1, 2014 letter.



DEPT. OF TRANSPORTATION
1226 N. STEWART STREET
CARSON CITY, NEVADA 89415

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1226 N. STEWART STREET
CARSON CITY, NEVADA 89415

October 1, 2014

Mr. Ron Jenkins

October 1, 2014

Mr. Ron Jenkins, Public Works Director
City of Ely
211 Mill Street
Ely, NV 89301
(775) 269-1572
ron.jenkins@cityofely.com

Mr. Ron Jenkins

Under the federal program listed as U.S. Code Title 23, Section 120 and the Rail Safety Improvement Act of 2008 (RSIA 2008), all highway-railroad crossings are to be inventoried and reviewed for safety. Nevada Department of Transportation, Railroad Safety Engineering is reviewing and analyzing all crossings in the state for safety requirements such as signing, pavement markings, advance warning devices, illumination and crossings surface condition on a triennial basis.

During a recent inspection of the following crossings in your area, some items were recognized to be out of standard as listed in the current status of the MUTCD and/or the NDOT Standard Plans. In accordance with MUTCD Section 1A.07, the public agency is responsible for the maintenance of traffic control devices in their jurisdiction. The following items were noted as missing or needing attention by your agency.

DOT #15-8224 Avenue C:

- Repair Advance Warning Sign (W10-1) on east side of crossing.

DOT #913-0861 Avenue C - East Ely:

- Replace Advance Warning Sign (W10-1) on north side of crossing
- Repair pavement markings.
- Install (W10-1) on Golf Course Road

DOT #831-5868 Avenue F - Southtown Canal:

- Replace pavement markings.
- Replace Crossing Approaches.

DOT #555-8824W Seventh Street - Ely:

- Install Advance Warning Sign (W10-1) south of crossing
- Install Advance Warning Sign (W10-1) on Vista Grande Drive & Mokey Avenue

The function of signs and pavement markings are to provide regulation, warnings, and guidance information for all road users. We urge you to complete the maintenance in a timely manner. Updating these crossings to current standards helps promote highway-railroad safety. Please notify us when each item has been completed, and when possible, send photos of the completed items to the contact information below.

If you have any questions regarding this letter, please feel free to contact me at (775) 888-7337 or clinton.pugh@dot.state.nv.us or for Allen at (775) 888-7377 or allen@dot.state.nv.us.

Sincerely,

Brandon Henning, Railroad Safety Engineering
Nevada Department of Transportation
1226 N. Stewart Street, Unit 6
Carson City, NV 89415

<http://www Nevada DOT map to the 2008 Plan 5.01>
<http://www Nevada DOT map to the 2008 Plan 5.01>

City of Ely

cc: District Engineer - Mr. Kevin Lutz
Assistant DE (Ely) - Mr. Randy Hemmerton
Traffic Engineer - Lloyd Matloff

Councilman Derbidge seconded the motion.

City Engineer Almberg stated in a meeting with NDOT officials, the County was very concerned about the cost of doing signage for portions of the Railroad that don't run; NDOT expressed their desire to close these crossings in the County, which could be reopened when needed.

Councilman Westland's motion carried unanimously.

6. Mayor Van Camp – City Clerk Switzer - Discussion/For Possible Action – Consideration to relocate City of Ely public meetings to the White Pine County Aquatic Center conference room.

Councilman Derbidge asked is it possible to turn the thermostat up?

Mayor Van Camp stated it was warm in here this morning.

City Clerk Switzer stated we'll have to check and see. We should be able to save at least \$1,300.00 per year over renting the current space at the Armory.

Councilman Derbidge asked can we choose our dates six months in advance?

Minutes Clerk Lee stated Director Brown stated that the County would be willing to give us a year's lease.

Mayor Van Camp stated it also helps the pool with revenue.

Minutes Clerk Lee stated our lease with the Office of the Military for the Armory ends at the end of this month, so we need to let them know.

Councilman Westland asked are they willing to renew that lease?

Minutes Clerk Lee stated yes, they are.

Councilman Derbidge moved to table this item until the December special meeting. Councilman Westland seconded the motion. The motion carried unanimously.

7. Mayor Van Camp – Discussion/For Possible Action – Acceptance of City Attorney Richard Sears' resignation.

Councilman Westland moved to accept City Attorney Sears' resignation. Councilman Hanson seconded the motion. The motion carried 3 to 1, with Councilman Derbidge opposed.

8. Mayor Van Camp – Discussion/For Possible Action – Consideration to advertise the position of City Attorney, to be employed full time by the City of Ely.

Councilman Hanson moved to advertise the position of City Attorney, to be employed full time by the City of Ely. Councilman Westland seconded the motion.

Councilman Derbidge stated you're having a motion to spend City funds without knowing how much these City funds are. Having our own attorney as a City employee incurs PERS, health insurance and all the office expenses. What's our budget?

City Clerk Switzer stated our budget for our contracted legal services is \$110,000.00.

Councilman Derbidge stated if we're going to go over this \$110,000.00 with benefits, I don't think enough thought has gone into this. Mr. Briggs might like to say something.

City Prosecutor Briggs stated when I left as the full time City Attorney a year and a half ago, the salary I received with benefits was approximately \$135,000.00, according to the City Treasurer. We were saving some money based on the agreement that we have currently, but I understand some benefits of having a full time City Attorney, since I was in that position five and a half years.

Councilman Hanson's motion carried 3 to 1, with Councilman Derbidge voting Nay.

9. Councilman Derbidge – Discussion/For Possible Action – Review of City of Ely organizational chart.

Councilman Derbidge stated on our chart we have the Fire Department, Director of Public Works and the Building Official answering to the Mayor and the City Council; those three should be answering to the City Clerk for days off, vacation and benefits. I don't think the day to day business of running their departments should be under the City Clerk, but I don't think it's right to get an email from somebody that's saying 'I'm taking tomorrow off' when we expect other employees to give a couple weeks notice.

Councilman Hanson stated use a dotted line between the City Clerk and those positions.

Councilman Derbidge stated I move to change the Fire Department, Public Works, and the Building Official to report to the City Clerk for Human Resources, shown by a dotted line on the City Organizational Chart. Councilman Hanson seconded the motion. The motion carried unanimously.

Mayor Van Camp adjourned the meeting of the Ely City Council and turned the gavel over to the WPHRF Board of Trustees Chairman to convene the W.P. Historical Railroad Foundation Board of Trustees.

6. A MEETING OF THE WHITE PINE HISTORICAL RAILROAD FOUNDATION (WPHRF) BOARD OF TRUSTEES.

A. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

George Chachas stated ongoing concerns regarding a copy of the answers that Mr. Gianoli gave in response to Councilman Westland's and Gladine Patras' improvement lists; a copy of Mark Bassett's loan documents; Mark Bassett and his wife's salary; and monthly cash flow sheets for track rental income. Mr. Stork was concerned about permits being taken out. I've yet to see if he took out a permit to encroach and pave on private property off Winter Road. In regards to the lady that talked to you about the section of concrete that was taken out, if you go to the top of Center Street, you went to back to Mrs. Hecker's property and filled in the gap; you need to consider equality there.

Judy O'Brien stated in November, 2014 I attended both the Railroad Management and Trustee meetings. At each the citizens are given the opportunity to make comments; I did not. Upon reflection, I decided I needed to deepen my understanding of the issues. The July 2014 minutes on page 4 of the directors' meeting states the following: "You are the Trustees; You are the power of the corporation; The Management Board manages; Write it up and tell us exactly what your concerns are." Documentation was given to me from many sources and several questions arose with one burning concern. Mark was emailed and consented to meet with me. My question was the S & S track repair expense of \$374,000.00. I did not find it on their October 31, 2014 balance sheet under long term liabilities. My understanding from Mark is that half the charge is the City's and half the Railroad's; it has not been accounted for to date on the balance sheet. My concern is the accounting of legal fees in 2014; January through October on the profit and loss statement 1747/Legal Fees are \$34,035.56. When I asked if this was to date, the answer was the fees will not be known until the completion of the court case. Again, this concerns me as the Board of Directors signed an agreement for representation and we, the citizens, have no idea what the costs may be in total, to date or for how long. These two items are expenses to the Railroad; one has not been booked and the other only partially. I'm afraid the costs are escalating.

B. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson's term end of September 30, 2014.

Chairman Derbidge stated this was on the last meeting and I asked Counsel for both sides to come to an agreement on the terms.

Scott Husbands stated we did meet; we didn't agree. It's our position that there are no vacancies because the terms have not expired. If this Board decides to go forward - advertising vacancies - we will seek a preliminary injunction in court, again, to attempt to stop you.

Chairman Derbidge stated if it's the Board of Trustees' desire, we follow the judge's edict and send a written letter.

Scott Husbands stated if you read through the documentation we gave you, it shows that with respect to Mr. Larson and Mr. Gianoli there are no vacancies.

Chairman Derbidge stated the documentation given to us from the minutes is completely different.

Trustee Westland stated the minutes reflect that the City Council, for years, has bent over backwards to accommodate the wishes of the Railroad: Changing the By Laws so that we could have a non-voting chairman, John Gianoli; changing the By Laws back, so that John Gianoli could become again a voting member upon Terry Gust's resignation; appointing John Gianoli with those terms; and correcting the terms so they would be on the proper schedule.

Scott Husbands stated my position is Mr. Lampros was on the board in 2007 and stepped off the board in 2008. Mr. Larson filled out the vacancy created by Mr. Lampros. Mr. Larson was reappointed in 2011; his term should be up in 2015.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli's term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust's term.

Trustee Hanson moved to table this item. Trustee Westland seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Mayor Van Camp stated I did get a phone call from Mr. Samberg today and we did engage him . . .

City Attorney Sears stated I engaged him.

Mayor Van Camp stated Rich engaged the letter for Mr. Samberg to send to the *S & S* attorney; he called me saying he hasn't had anything from Mr. Husbands, aside from being stalled, and you're waiting to hear from *S & S*? He would like to know . . . Are you representing *S & S*? He's not getting any information.

Scott Husbands stated John is wrong; I'm not stalling. We have in the past represented *S & S*; we currently do. As I explained to him when he talked to me about this a week ago – when he sent me an email saying he was engaged by this Body - I told him I need to

check with my client; I've attempted to do that on two separate occasions. I've left him voicemails. I'm waiting to hear back from him. So, I need to ask S & S what they want to do, whether they want to give him a report. I don't have railroad expertise, so if that's something they want to pursue, they have the right to do that. John can say all he wants about sending me email after email and following up; the fact of the matter is what I can do in response to his emails is contact my client. I don't appreciate his comment that we're attempting to stall or anything like that.

Mayor Van Camp stated what he's searching for is the full and complete accounting of the S & S.

Scott Husbands stated I told him he is entitled to whatever documents I have. The documents I have are the agreement and some of my communications with S & S; those, of course, are all attorney client privileged. He can get the agreement from you guys. I don't, in my records, have the full accounting, so he's going to have to get that from S & S or you guys are going to have to get that from S & S.

Trustee Westland stated that's what we've been trying to do.

Scott Husbands stated I know. All I'm saying is I'm not stalling. I don't believe they're stalling; he's an incredibly difficult person to reach. Mark is here and could talk to you about difficult it is to reach him when you need to talk about something. I'll continue to try and reach him, but I don't know what he wants to do going forward. Again, I don't have railroad expertise . . . We have in the past represented him. We do currently represent him. We've appeared before this Body in somewhat of a limited capacity, just whenever he happens to be on the agenda. I also have conflict of interest issues to consider. There are none at this point, but there may in the future because we do represent the Management Board and the Foundation. If this goes down a track where the Management Board is at odds with S & S *Shortline*, I might have to withdraw from my representation of them with respect to that issue.

Trustee Westland stated I want to disclose that John Samberg is my personal attorney in defense of me in the case that the Railroad Foundation has filed against the entire City Council and the Mayor. Some really nasty things were said about me in there that warranted me having my own counsel. In case any of you are wondering if there's any kind of conflict there, I have paid a lot of money to have this guy up to speed. So, if you're wondering about the economy of this decision, I can assure you that we would have to spend a lot of money to educate somebody about this issue.

City Attorney Sears stated that was the point I was going to make. I engaged Mr. Samberg because he was the least expensive I could get. If we have to pay another lawyer to get up to speed, we could shell out a lot of money that has already been invested by Marty.

Trustee Westland stated we already know how difficult it is to get information out of S & S; information that they owe us. I don't know if we owe \$374,000.00 or they might owe us.

Trustee Hanson moved to engage Mr. Samberg to pursue the resolution of the financial records for the Lease Agreement/Join t Development Agreement with S & S *Shortline*.

Scott Husbands asked what is Mr. Samberg's hourly rate?

Chairman Derbidge stated people would like to know how much the Management Board has spent on legal fees also.

City Attorney Sears stated I engaged him and his fees are reasonable, given the circumstances.

Trustee Westland seconded Trustee Hanson's motion. Trustee Hanson's motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears' suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

City Attorney Sears stated we met and agreed to fourteen (14) calendar days for all formal communications.

Scott Husbands stated we did. The only afterthought leaving Rich's office was with formal communications, there should be some acknowledgement of receipt.

Trustee Westland moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Trustee Setterstrom seconded the motion. The motion carried unanimously.

D. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

Mike Coster stated I wanted to note the loss of Dany Feinstein, the sole marketing person at the Railroad; in the past six months, there seems to be a situation there that caused her to depart on a minutes notice. I would encourage the Railroad Trustees, at your next opportunity, to investigate the terms of that.

Scott Husbands stated I want to make a public records request for whatever engagement agreement you have with Mr. Samberg and his firm; that would hopefully show what the hourly rate was. My understanding of what it might be - based on his experience, his firm, the place where he practices and what he's doing - is it somewhere in the neighborhood of \$400.00 to . . .

City Attorney Sears stated you misunderstand. They don't have an engagement. It's my engagement.

Scott Husbands stated it's my understanding that it's somewhere in the neighborhood of \$450.00 to \$500.00 an hour. I think people need to understand what the scope of the fees might be. We did some work for the City last summer and there was a whole bunch of flack from this Council about whether we should cap the fees and how much money the City's going to spend on a private attorney. So, I mean what's fair is fair. Mr. Samberg's thing seems to be 'nobody's entitled to know how much he charges'. I bet there's no cap on it. I know it may be difficult to cap it because we all have no idea which way this is going to go. We're in the early stages of discovery, but we were put into the position of 'it's not fair to spend the people's money' on something without a cap and now we're being told . . .

City Attorney Sears stated just for the public's information, this does not relate to the Railroad. This relates to *S & S Leasing*. This doesn't have anything to do with the Railroad litigation. This is an engagement to try and figure out whether or not the terms of the contract between the City and *S & S Leasing* are being fulfilled.

Scott Husbands stated I think you should revisit it and cap the fees because legal work takes more time than everybody anticipates. At \$500.00 an hour you guys are going to be looking at a massive legal bill here.

City Attorney Sears stated you already have a massive bill of \$375,000.00 that we can't document is accurate, that we didn't incur.

Garrett Estrada stated I think this room is a lot more comfortable to view a meeting from than the Armory, as a person that has to attend all of them. I'm not sure how cold you were over there, but it's not that cold today.

Chairman Derbidge adjourned the meeting of the White Pine Historical Railroad Foundation Board of Trustees and turned the gavel back to the Mayor to reconvene the Regular City Council Meeting.

7. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE WHITE PINE HISTORICAL RAILROAD FOUNDATION BOARD OF TRUSTEES.

A. OLD BUSINESS

1. Chairman Derbidge – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member Randy Larson's term end of September 30, 2014.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

2. Trustee Westland – Discussion/For Possible Action – Consideration to advertise to fill vacancy caused by White Pine Historical Railroad Foundation Management Board Member John Gianoli's term end of September 30, 2014, as Member Gianoli filled out former Member Terry Gust's term.

Councilman Hanson moved to table this item. Councilman Westland seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Trustee Hanson – Mayor Van Camp – Discussion/For Possible Action – Engagement of John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*.

Councilman Hanson moved to engage John Samberg to pursue the resolution of the financial records for the Lease Agreement/Joint Development Agreement with *S & S Shortline*. Councilman Westland seconded the motion.

Councilman Setterstrom stated I would like to say on engaging John Samberg, there were times when Mr. Husbands represented *S & S Shortline* and we've asked for documentation of why we owed \$374,000.00; we've gotten none. We've gotten no quarterly reports. After asking and asking and asking, we've got to find out and if that's the only way we can go about getting it because obviously . . . I don't think that's even an issue.

Councilman Hanson's motion carried unanimously.

2. Trustee Setterstrom – Discussion/For Possible Action – Consideration of City Attorney Sears' suggested revisions to the Communication Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board.

Councilman Hanson moved to add fourteen (14) calendar days response time to the Communications Protocol between the White Pine Historical Railroad Foundation Board of Trustees and its Management Board. Councilman Westland seconded the motion. The motion carried unanimously.

8. REPORTS

CITY COUNCIL

Councilman Hanson stated with Marty, I attended the meeting with the County regarding an Inter Local agreement for the building inspector; the proposals look viable and allow us six months to see how this thing will work.

Councilman Westland we decided at a prior meeting to limit the truck traffic going down Mill; the highway department did confirm that is not a state highway.

Councilman Derbidge stated we discussed at the last meeting to put up some signs on Murry and Mill; the mine said they were going to start that in February.

Councilman Setterstrom stated he had no report.

MAYOR

Mayor Van Camp reviewed her approvals appearing below and stated I would like to thank Rich for all the work he's done for the City.

I approved 24-Hour Liquor Licenses for:

- The Fashion Show at the Convention Center, November 29, 2014,
- The Festival of Trees at the Convention Center, December 5, 2014, and
- Barrick's Holiday Party at the Convention Center, December 11, 2014.

I approved Special Events/ 24-Hour Liquor Licenses for:

- The Firemen's Ball at the Convention Center, December 31, 2014; and
- Kennecott Years Reunion Festivities July 2-4, 2015.

9. AGENDA ITEMS FOR THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING.

Councilman Hanson stated we have a STOP sign issue for the January meeting.

10. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. Comments during Discussion Items will not be accepted from the General public. "Section 8.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

City Engineer Almberg stated in my earlier report I forgot to mention that another thing which came up in our meeting with NDOT was our Aultman Street project and they are looking at 2017; I said you're putting our City in a tough position because there were rate increases to support that project to complete the underground infrastructure and you continue to slide that date. NDOT said they would attach that information to the project.

George Chachas stated in regards to public information, anything in the packet, should be provided at the time the packet comes out. If you have any information that's going to be disseminated at the meeting, I suggest you get a copy machine. If you present any information at a public meeting, you better be prepared to give everybody a copy that wants it. When you folks appoint a board, they report to you. I'm seeing tons of money being spent on lawyers fighting who's in what position; someone's in the missionary position. I'm tired as a taxpayer of paying those people to fight us. I don't want that Railroad to go down. I don't want any negative publicity. It's a matter of record what you folks did at any given time.

Rick Stork stated what you guys did to that poor lady that lives on Nevada Avenue is a shame. She had concrete up to the edge of her property line; for the City to tear it out and not replace that at least in front of the driveway . . . You have an obligation to put that back as good as it was or better. When Dean Day as your Engineer, he was compassionate with the citizens; he talked to them, worked out an agreement with them and everything came in good on it, but now you've got fancy engineers and everything has to be done by plans. People don't know how to read plans. When we had that meeting at the Fire Hall, we tried to explain it to them. You guys don't mind spending money every other direction. You've spent \$500.00 an hour now for an attorney that's not budgeted. You should not spend it until you budget it. You guys can do what you want for the time being, but I hope your days are numbered.

Regular Meeting of the Ely City Council December 11, 2014

Councilman Derbidge moved to adjourn the Regular Meeting of the Ely City Council at 6:22:26 PM. Councilman Setterstrom seconded the motion. The motion carried unanimously.

MAYOR

ATTEST



**STATE OF NEVADA
COMMISSION ON ETHICS**

704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279

<http://ethics.nv.gov>

Request for Opinion No. **15-21C**

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Melody Van Camp, Mayor, City of Ely,
State of Nevada,

Subject. /

NOTICE TO SUBJECT OF REQUEST FOR OPINION

Pursuant to NRS 281A.440(2) and NAC 281A.410

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics (Commission) received a Request for Opinion (RFO) alleging that you may have engaged in conduct contrary to certain provisions of Nevada Revised Statutes (NRS) Chapter 281A.010-281A.550, the Nevada Ethics in Government Law. Pursuant to NAC 281A.405, the Commission's Executive Director and Commission Counsel have determined that the RFO was properly filed. Based on the facts and circumstances presented in the RFO, the Commission has jurisdiction to investigate allegations implicating the following statutes. (See sections checked below)

√	Statute	Essence of Statute:
	NRS 281A.020(1)	Failing to honor commitment to avoid conflicts; appropriately separating personal and public roles.
	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of public duties.
	NRS 281A.400(2)	Using position to secure or grant unwarranted privileges, preferences, exemptions or advantages for self, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
	NRS 281A.400(3)	Participating as government agent in negotiating or executing a contract between the government and a business entity in which he has a significant pecuniary interest.
	NRS 281A.400(4)	Accepting a salary, retainer, augmentation, expense allowance or other compensation from any private source for performing public duties.
	NRS 281A.400(5)	Acquiring, through public duties or relationships, information which by law or practice is not at the time available to people generally, and using it to further the pecuniary interests of self or other person or business entity.
	NRS 281A.400(6)	Suppressing governmental report or other document because it might tend to unfavorably affect pecuniary interests.

	NRS 281A.400(7)	Using government time, property, equipment or other resources for personal or financial interest. (Some exceptions apply.)
	NRS 281A.400(8)	State Legislator using government time, property, equipment or other facility for a nongovernment purpose or for the private benefit of himself or any other person, or having a legislative employee, on duty, perform personal services or assist in a private activity. (Some exceptions apply.)
	NRS 281A.400(9)	Attempting to benefit personal or financial interest by influencing a subordinate.
	NRS 281A.400(10)	Seeking other employment or contracts through official position.
	NRS 281A.410	Failing to file a disclosure of representation and counseling a private person before public agency for compensation.
√	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest for which disclosure is required.
√	NRS 281A.420(3)	Acting on a matter in which abstention was required.
	NRS 281A.430	Engaging in contracts in which the Subject has an interest.
√	NRS 281A.500	Failing to timely file an ethical acknowledgment.
	NRS 281A.510	Accepting an improper honorarium.
	NRS 281A.520	Causing a government entity to support or oppose a ballot question or candidate.

A copy of the RFO is attached. You may also find the relevant provisions of NRS and NAC, including newly Adopted Regulations, LCB File No. R048-14 ("R048-14"), and a searchable database of Commission Opinions on the Commission's website at www.ethics.nv.gov.

Pursuant to NAC 281A.405 (as amended by R048-14), you may submit a request in writing to the office of the Commission not later than **10 days** from receipt of this notice for the Commission to review this jurisdictional determination. If you appeal the determination, the Requester will be provided an opportunity to respond and you will be notified of the date set for the Commission's review and final determination of jurisdiction. With no appeal of jurisdiction, the Commission will accept jurisdiction and initiate its investigation of this matter.

Pursuant to NRS 281A.440(3), you may submit a written response to these allegations within **30 days** of receipt of this notice. A lack of response on your part is not deemed an admission that the allegations are true.

Pursuant to NRS 281A.440(3) through (6), the Commission's process is as follows:

1. Within 70 days after receipt of the RFO (unless the statutory timelines are waived), the Executive Director investigates the allegations and makes a written recommendation to a two-Commission-member Investigatory Panel whether just and sufficient cause is present for the full Commission to render an opinion in the matter.
2. Within 15 days after the Executive Director provides a written recommendation (unless the statutory timelines are waived), the Investigatory Panel considers the RFO and related materials and makes a final determination regarding whether just and sufficient cause exists for the Commission to hold a public hearing and render an opinion.

3. If the Investigatory Panel determines that just and sufficient cause exists, within 60 days after the panel determination (unless the statutory timelines are waived), the Commission will conduct an evidentiary hearing and render an opinion whether the public officer or employee's conduct violated provisions of the Ethics in Government Law.

Pursuant to NAC 281A.415, if the investigation of this matter reveals relevant issues and facts beyond those presented in the RFO, the Commission will issue an additional Notice of these issues and facts, and you will have an additional 30 days to respond to the issues and facts before those matters are presented to an Investigatory Panel.

You may be entitled to representation by the attorney advising the public department or body you serve. Please notify the Commission if you will be represented by counsel.

Swift resolution of the RFO is beneficial to all concerned; however, you may waive any or all deadlines set forth by statute or regulation in this matter. A waiver of statutory time is enclosed. Should you wish to request an extension of or waive any of the statutory deadlines, please complete the waiver and return it to the Commission's office as soon as possible.

Except as otherwise provided in NRS 281A.440, the Commission will hold its activities in response to this RFO (and even the fact that it received the RFO) confidential until its investigatory panel determines whether just and sufficient cause exists to hold a hearing and render an opinion. However, the Commission has no authority to require the requester to do so. As a result, information may appear in the media. Rest assured that the Commission will not be the source of any public information until the investigatory panel has completed its review and has rendered its determination. You will be provided notice of the Panel Determination.

If you have any questions regarding this notice, please contact me at (775) 687-5469 or ynevarez@ethics.nv.gov.

Dated this 23rd day of April, 2015.

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am a staff member of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the **Notice to Subject** addressed as follows:

Melody VanCamp
1125 Murry Street
Ely, NV 89301

Cert. Mail No.:

9171 9690 0935 0037 6374 98

Dated: 4-23-15



Staff Member, Nevada Commission on Ethics

In the Matter of the Third-Party Request
For Opinion Concerning the Conduct of
Melody Van Camp, Mayor, City of Ely,
State of Nevada

Request for Opinion No. 15-21C
Response of Melody Van Camp

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ON ETHICS

COMES NOW, Melody Van Camp, Mayor, City of Ely, State of Nevada by and through her attorney Charles H. Odgers, Esq., City Attorney and provides her written response to the Request for Opinion No. 15-21C pursuant to NRS 281A.440(3).

INTRODUCTION

There are three issues requiring a response. First, whether Mayor Van Camp was required pursuant to NRS 281A.420(1) to disclose a potential conflict of interest, NRS 281A.420(3) whether she acted on a matter to which she should have abstained, and finally, whether she failed to timely file an ethical acknowledgement pursuant to NRS 281A.500.

Mayor Van Camp denies any wrong doing regarding the first two issues, but admits that she was untimely in filing her ethical acknowledgment, which was filed one day late.

STATEMENT OF FACTS

The allegations are brought by a former City employee who resigned in lieu of being placed on administrative leave for investigation for failure to perform essential functions of his job. More problematic is the allegation that Mayor Van Camp on or about December 11, 2014 acted inappropriately by failing to disclose that she owned property on a piece of road being discussed for road repairs.

On the City Council agenda for December 11, 2014 was an item brought by Councilman Derbidge and Councilman Setterstrom stating “Discussion for Possible Action – Reallocation of \$435,000.00 budgeted for New Aeration at the Waste Water Treatment plant to redo the Sewer line underneath Murry Street.” (Minutes from the December 11, 2014 meeting).

The discussion that ensued was between the council and Mr. Jenkins. Nowhere in the minutes did Mayor Van Camp say anything about the agenda item, express any comments about the agenda item, or try to persuade any member of the council to take action one way or another. Most importantly, Murry Street covers approximately one mile of road. After the motion was made, it was clarified that the section of Murry Street under consideration was from Clark to 2nd Street, a section less than ½ mile in length.

At that point City Engineer Almberg confirmed that the area to be addressed was that section of road. Following his comments, then City Attorney Sears informed the council that this road needed to be repaired as the mine was proposing closure of a southern route into the mine which would force mine employees to utilize Murry Street to get to the mine.

Thereafter, Mayor Van Camp called for the vote on the motion made by Councilman Westland. The minutes are void of any interaction, comment, suggestion or otherwise from Mayor Van Camp regarding this agenda item. To that end, it cannot be inferred that she in any way involved herself in the discussion.

On the third issue, failure to timely file an ethical acknowledgment – was filed on the 31st day after appointment and a fine of \$25.00 was paid. Mayor Van Camp was appointed to an elected position (Mayor) upon the death of the prior Mayor on March 13, 2014 and sworn into office on March 14, 2014. She filed her new appointment acknowledgement on April 14, 2014, 31 days following my appointment, as the 30th day was Sunday, April 13, 2014. It was unintentionally filed late. In addition, and in the spirit of full disclosure, during this election cycle, Mayor Van Camp filed her second Expense and Contribution Report late, it was due on April 3, 2015 and it was filed on May 12, 2015 when she learned that she had not filed the report timely. This issue has been addressed with the Secretary of State.

LEGAL ANALYSIS

A. **MAYOR VAN CAMP DID NOT VIOLATE NRS 481A.420(1) AS SHE TOOK NO ACTION ON THE AGENDA ITEM, OTHER THAN MINISTERIAL ACTIONS OF HER OFFICE.**

NRS 281A.420(1) states:

Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;
- (b) In which the public officer or employee has a significant pecuniary interest;
- or
- (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person,

without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, or upon the person to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

In order for there to be a conflict applicable to Mayor Van Camp, one of the three conditions precedent must exist. Presumably the complaining party is alleging Mayor Van Camp has a "significant pecuniary interest" in the matter that was voted on by the City Council, which she failed to disclose.¹ NRS 281A.139 provides the definition of "pecuniary interest". In the

¹ **NRS 281A.139 "Pecuniary interest" defined.** "Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:

1. Anything of economic value; and

request for opinion, Mr. Jenkins makes the conclusory statement that “I believe Melody used her position to better herself financially, as property values will increase when the project is completed.”

There is no evidence that property values will increase as a result of repaving the road. Importantly, Mr. Jenkins informs the Commission that once a section of sewer lines have been replaced, the City would be repaving the road. At the City Council meeting at issue, there was no discussion of installing new curb, gutters and sidewalk. These are all conclusory statements without any facts to support Mr. Jenkins’ contentions.

NRS 281A.420(1) makes clear that the Mayor cannot act or even abstain from acting if she has a pecuniary interest in the item being voted on by the Council.

Mayor Van Camp is one of almost 100 property owners on Murry Street. The fact that she owns property is a public record. Ex. A. She has lived in Ely her entire life. The issue before the City Council was whether to allocate money to the repair of a major roadway, as identified by the then City Attorney, because the mine was proposing closing down the southern access to the mine, forcing its employees from the southern end of the county to utilize Murry Road to travel to and from work. Even though the Mayor made no disclosure, she did not participate in the discussions. She merely performed her duties after the appropriate motion was made to call for the vote, a purely ministerial function, nothing more, nothing less.

As noted above, Mayor Van Camp owns two pieces of property on Murry Street. However, as the mayor, she is not allowed to vote on any item being considered by the City Council unless

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

it is to break a tie. NRS 266.200.² That was not the case here, the vote was 4 to 1 to pass the motion.

B. MAYOR VAN CAMP DID NOT VIOLATE NRS 281A.420(3)

NRS 281A.420(3) states:

Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

- (a) The public officer's acceptance of a gift or loan;
- (b) The public officer's significant pecuniary interest; or
- (c) The public officer's commitment in a private capacity to the interests of another person.

NRS 281A.420(4) in pertinent part provides guidance to interpreting the preceding section stating:

- (a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's [...] significant pecuniary interest [...] where the resulting benefit [...] accruing to the public officer, [...] is not greater than that accruing to any other

² **NRS 266.200 Mayor is presiding officer of city council; vote; veto; approval of contracts, resolutions and ordinances.**

1. The mayor:

(a) Shall preside over the city council when in session, and shall preserve order and decorum among the members and enforce the rules of the city council and determine the order of business, subject to those rules and appeal to the city council, or as provided by ordinance.

(b) Is not entitled to a vote except in case of a tie, when the mayor has a casting vote, except as otherwise provided in this chapter.

2. The mayor may exercise the right of veto upon all matters passed by the city council. To pass any matter receiving the mayor's veto requires a five-sevenths vote of a city council composed of seven members, a four-fifths vote of a city council composed of five members, and a unanimous vote of a city council composed of three members.

3. No resolution or contract requiring the payment of money nor any ordinance may go into force or have any effect until approved in writing by the mayor, unless passed over the mayor's veto. If the mayor does not approve the resolution, contract or ordinance so submitted, the mayor shall, within 5 days after the receipt thereof, return it to the city clerk with his or her reasons in writing for not approving it. If the mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the mayor.

member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the [...] significant pecuniary interest [...].

- (b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's [...] significant pecuniary interest [...] in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's [...], significant pecuniary interest or commitment in a private capacity to the interests of another person.

NRS 281A.420(4)(b) gives guidance to whether a violation has occurred as alleged. Specifically, it requires the Commission to determine if the Mayor, who took no other action but to read the agenda item and called for the vote, was merely performing the duties of her appointed position. The uncontroverted facts show that the Mayor did nothing more than her ministerial duties.

The facts as alleged by Mr. Jenkins do not support a finding that Mayor Van Camp violated NRS 281A.420(3).

C. MAYOR VAN CAMP DID FILE HER ACKNOWLEDGMENT UNTIMELY.

The third violation alleged is Mayor Van Camp failed to file her ethical acknowledgment untimely in violation of NRS 281A.500.

Mayor Van Camp admits that she filed her ethical acknowledgment one day late. She was appointed as the Mayor by vote of the City Council on March 13, 2014 and was sworn in on March 14, 2014. She filed her ethical acknowledgment on April 14, 2014 as the thirtieth day was a Sunday. For filing late she was fined \$25.00 which was paid.

Mayor Van Camp has never held an elected or appointed position prior to this appointment. The untimely filing was inadvertent.

CONCLUSION

If there was a duty to disclose the ownership of property on Murry Street, the failure to disclose that was unintentional. The major public works project to replace the sewer line and repave the road at the same time made sense to the City Council members voting in favor of the motion as it would allow the entire process, replacement of all of the sewer line and repaving of the road to occur at the same time. It made further sense that the project be done in light of the fact that the mine was closing down its southern access which would divert traffic through Murry Street to allow employees to access the roads leading to the mine.

Mayor Van Camp's non participation in the discussion, either for or against repaving the road once the sewer line replacements were made, had no impact on the independent judgment of the other five city council members. If Mayor Van Camp had a duty to disclose, this is somewhat mitigated by the fact that she lists all of her income, including her rental property and where she resides on all of her required disclosures. Her ownership of property is a matter of public record as it is shown on the County Assessors website.

Finally, Mayor Van Camp admits the untimely filing by one day of her ethical acknowledgment, a matter that was quickly corrected.

For these reasons, Mayor Van Camp requests that a finding that no ethical violation occurred.

DATED this 26th day of May, 2015.



CHARLES H. ODGERS, ESQ.
City Attorney, City of Ely
For Mayor Van Camp

WHITE PINE COUNTY Nevada

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Search for Real Property (Land, Improvements, etc.)

Order List By:

☒ Parcel Number☐ Owner Name☐ Property Location☐ District

Filters: Limit Selected Parcels to Include (Choose any number):

Parcel Number - 8-digit numbers, no dashesPartial Owner Name ☒ AssessedLand Use Code Range - [Code Table](#)

examples: SMITH M / ACME MARKETS

☐ LegalAcreage Range - Partial Property Location Net Assessed Value Range - for tax year 2015-16

examples: N MAIN ST / MAPLE DR

District All

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage	Net Assessed Value
001-282-01	ROBERTSON PROPERTIES, LLC	409 MURRY STREET	1.0	400 - General Commercial	.160	52,544
001-284-03	ROSEVEAR, ROBERT	591 MURRY STREET	1.0	200 - Single Family Residence	.170	21,447
001-284-07	JAMRIC INC	561 MURRY STREET	1.0	320 - Three to Four Units	.110	18,052
001-284-08	JOHNSON, JOHN F. & JACQUE D.	581 MURRY STREET	1.0	200 - Single Family Residence	.110	13,581
001-284-15	MATHEWS, JANEAL ET AL	504 MURRY STREET	1.0	400 - General Commercial	.325	81,310
001-295-01	HULL, DANIEL J & BRENDA C	670 MURRY STREET	1.0	200 - Single Family Residence	.069	7,562
001-295-02	SCHIFFMAN, RYAN K & KATHLYNN M	648 MURRY STREET	1.0	200 - Single Family Residence	.160	15,258
001-295-03	AGUILA, ALEX A & SHERYL L	636 MURRY STREET	1.0	200 - Single Family Residence	.110	15,132
001-295-04	BANKS, MICHAEL R & LINDA	632 MURRY STREET	1.0	200 - Single Family Residence	.110	12,720
001-295-07	STRATE, FRED M & LYNDA	594 MURRY STREET	1.0	200 - Single Family Residence	.390	19,355
001-295-28	MARQUEZ, GENE R & GERTRUDE	604 MURRY STREET	1.0	200 - Single Family Residence	.413	19,477
001-295-33	FINCHER, TODD & NOREEN	582 MURRY STREET	1.0	200 - Single Family Residence	.455	27,167
001-314-02	BOUNDY, JEAN MARIE ET AL	617 MURRY STREET	1.0	200 - Single Family Residence	.210	14,882
001-314-04	HUME, ROBERT G & VALERIE B	623 MURRY STREET	1.0	200 - Single Family Residence	.140	21,501
001-314-05	VAN OUDHEUSDEN, PAUL H	645 MURRY STREET	1.0	200 - Single Family Residence	.100	23,254
001-314-08	L REIERSON PROPERTIES, LLC	671 MURRY STREET	1.0	120 - Vacant - Single Family Residential	.090	1,614
001-314-09	MILOBAR, BETTY P ET AL	675 MURRY STREET	1.0	200 - Single Family Residence	.140	18,525
001-314-10	NOLAN, DANIEL L	695 MURRY STREET	1.0	200 - Single Family Residence	.110	18,324
001-314-21	GONZALEZ, MARIA D *	647 MURRY STREET	1.0	200 - Single Family Residence	.150	19,717
001-318-01	WHITE PINE COUNTY SCHOOLS	701 MURRY STREET	1.0	400 - General Commercial	.570	0

WHITE PINE COUNTY Nevada

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Filters: Limit Selected Parcels to Include (Choose any number):

Parcel Number - 8-digit numbers, no dashesPartial Owner Name ☒ AssessedLand Use Code Range - [Code Table](#)

examples: SMITH M / ACME MARKETS

☐ LegalAcreage Range - Partial Property Location

examples: N MAIN ST / MAPLE DR

Net Assessed Value Range - for tax year 2015-16District All

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage	Net Assessed Value
001-318-04	ARCHULETA, LUCILLE ET AL	775 MURRY STREET	1.0	200 - Single Family Residence	.090	8,1
001-318-15	MCKNIGHT, ROBERT JOSEPH & RORY	795 MURRY STREET	1.0	200 - Single Family Residence	.170	16,1
001-318-16	ROBISON, DOUGLAS L & DORTHY	753 MURRY STREET	1.0	200 - Single Family Residence	.320	22,1
001-321-02	RIGNEY, CURTIS LEROY	716 MURRY STREET	1.0	200 - Single Family Residence	.080	12,1
001-321-03	ROZIS, PETE & SHARON N	714 MURRY STREET	1.0	300 - Duplex	.070	15,1
001-321-04	MEHLHAFF, AARON REID & ROSE M	700 MURRY STREET	1.0	200 - Single Family Residence	.140	14,1
001-321-05	LOWRIE, MARK A	698 MURRY STREET	1.0	200 - Single Family Residence	.110	12,1
001-321-06	LOWRIE, MARK A	696 MURRY STREET	1.0	200 - Single Family Residence	.080	9,1
001-321-08	CROPSEY, STEVE & MICHELLE J	672 MURRY STREET	1.0	220 - Manufactured Home Converted to Real Property	.207	37,1
001-322-01	ROZIS, PETE & SHARON N	798 MURRY STREET	1.0	200 - Single Family Residence	.140	17,1
001-322-02	HEINBAUGH, ERIC DAIN	790 MURRY STREET	1.0	200 - Single Family Residence	.110	11,1
001-322-05	VANCAMP, MELODY	746 MURRY STREET	1.0	200 - Single Family Residence	.100	8,1
001-322-07	SANTISTEVAN, JOE S	646 MURRY STREET	1.0	282 - Single Family Residential with Minor Improvements - No livable structures	.160	3,1
001-322-09	HUNSAKER, KATHY M	762 MURRY STREET	1.0	200 - Single Family Residence	.360	23,1
001-326-02	DONAHUE, SEAN D & KACEY L	809 MURRY STREET	1.0	200 - Single Family Residence	.210	17,1
001-326-03	REED, KIMBERLY K	843 MURRY STREET	1.0	200 - Single Family Residence	.110	11,1
001-326-04	MERLINO, GUY L & PAUL N	845 MURRY STREET	1.0	200 - Single Family Residence	.080	11,1
001-326-05	DAVIS, STAMITI S & SHIRLEY S	847 MURRY STREET	1.0	200 - Single Family Residence	.090	10,1
001-326-06	PERKINS, REGINA E	849 MURRY STREET	1.0	200 - Single Family Residence	.090	14,1
001-327-01	SCHIELKE, GERHARD & INGE ET AL	850 MURRY STREET	1.0	200 - Single Family Residence	.170	14,1

WHITE PINE COUNTY Nevada

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examples: SMITH M / ACME MARKETS

☐ LegalAcreage Range - Partial Property Location

examples: N MAIN ST / MAPLE DR

Net Assessed Value Range - for tax year 2015-16District All

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage	Net Assessed Value
001-327-04	STEVENS, EDWARD FOREST & TINA	832 MURRY STREET	1.0	200 - Single Family Residence	.110	11,941
001-327-05	NARDI, ANTONI & AMY REBECCA	806 MURRY STREET	1.0	200 - Single Family Residence	.130	14,890
001-327-06	LAMARE, ROGER W & CANDICE A	844 MURRY STREET	1.0	200 - Single Family Residence	.170	17,509
001-336-02	KALVELAGE, JAMES P & GAYLA C	909 MURRY STREET	1.0	200 - Single Family Residence	.140	14,058
001-336-04	PESCIO, ROBERT C & JOLYNN	945 MURRY STREET	1.0	200 - Single Family Residence	.110	13,575
001-336-05	GUBLER, RALPH ET AL	987 MURRY STREET	1.0	200 - Single Family Residence	.110	14,112
001-336-06	STOUT, JOHNNY M *	989 MURRY STREET	1.0	200 - Single Family Residence	.110	14,700
001-337-01	WINKLER, JOHN O & BEVERLY J	994 MURRY STREET	1.0	200 - Single Family Residence	.060	8,306
001-337-02	KLINE, KEN & EDNA	982 MURRY STREET	1.0	200 - Single Family Residence	.140	12,078
001-337-03	PLENGER, LOIS A.	948 MURRY STREET	1.0	200 - Single Family Residence	.080	7,671
001-337-04	BREITRICK, RICHARD A	930 MURRY STREET	1.0	200 - Single Family Residence	.110	13,087
001-337-05	MEYERS, RONALD DONAVAN & JESSE	900 MURRY STREET	1.0	220 - Manufactured Home Converted to Real Property	.130	25,510
001-344-02	HOLIDAY, JOSEPH M & SHEENA L	1001 MURRY STREET	1.0	200 - Single Family Residence	.110	12,720
001-344-03	SADERUP, SHARON A	1025 MURRY STREET	1.0	200 - Single Family Residence	.110	11,456
001-344-04	BYBEE, MARJA J & WALKER, LEE E	1033 MURRY STREET	1.0	200 - Single Family Residence	.110	14,838
001-344-05	LULL, MICHAEL J	1047 MURRY STREET	1.0	200 - Single Family Residence	.111	9,492
001-344-06	HARMON, LUCILLE R	1049 MURRY STREET	1.0	200 - Single Family Residence	.100	20,585
001-345-01	SIEMER, RICHARD J	1090 MURRY STREET	1.0	200 - Single Family Residence	.160	14,965
001-345-02	CURTIS, WILBUR E & HELEN A	1040 MURRY STREET	1.0	200 - Single Family Residence	.110	13,587
001-345-03	FOWELL, T S & TERESA	1028 MURRY STREET	1.0	200 - Single Family Residence	.110	10,413

WHITE PINE COUNTY Nevada

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Parcel Number - 8-digit numbers, no dashesPartial Owner Name ☒ AssessedLand Use Code Range - [Code Table](#)examples: SMITH M / ACME MARKETS ☐ LegalAcreage Range - Partial Property Location Net Assessed Value Range - for tax year 2015-16

examples: N MAIN ST / MAPLE DR

District All

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage	Assessed Val	Net Val
001-345-04	NILSON, RICHARD F. & LORRAINE	1000 MURRY STREET	1.0	200 - Single Family Residence	.220	24	
001-346-03	LIEBSACK, JAMES & MADELINE TRST	1092 MURRY STREET	1.0	220 - Manufactured Home Converted to Real Property	.440	29	
001-354-08	HERMS, NANCY M	1101 MURRY STREET	1.0	200 - Single Family Residence	.170	18	
001-354-09	BUTE, LARRY R & PATRICIA A TRUSTEE	1115 MURRY STREET	1.0	200 - Single Family Residence	.110	13	
001-354-10	VAN CAMP, MELODY JO	1125 MURRY STREET	1.0	200 - Single Family Residence	.110	12	
001-354-11	FUA, PATRICIA K	1131 MURRY STREET	1.0	200 - Single Family Residence	.110	12	
001-354-12	YOUNG, TERRILL J. & MARSHELLE	1137 MURRY STREET	1.0	200 - Single Family Residence	.110	17	
001-354-13	QUONG, FOOK & TRUDY C.	1139 MURRY STREET	1.0	200 - Single Family Residence	.110	11	
001-354-14	SANBORN, SLADE S	1185 MURRY STREET	1.0	200 - Single Family Residence	.110	24	
001-354-15	SANBORN, JACK ROSS	1195 MURRY STREET	1.0	200 - Single Family Residence	.230	11	
001-355-06	HUNT, JOSEPH KIM & LORI	1270 MURRY STREET	1.0	200 - Single Family Residence	.220	29	
001-355-07	GODFREY, GARY L & LYNNE M	1260 MURRY STREET	1.0	200 - Single Family Residence	.300	21	
001-355-10	REED, DEBORAH K	1176 MURRY STREET	1.0	200 - Single Family Residence	.260	20	
001-355-11	WIEDMEYER, BRIAN T	1142 MURRY STREET	1.0	200 - Single Family Residence	.170	15	
001-355-12	SLAUGHTER, TINA A.	1138 MURRY STREET	1.0	200 - Single Family Residence	.260	11	
001-355-13	ANDRE, WILLIAM A III	1134 MURRY STREET	1.0	200 - Single Family Residence	.170	12	
001-355-14	BORGHOFF, WILLIAM ET AL TRUSTEE	1116 MURRY STREET	1.0	200 - Single Family Residence	.170	21	
001-355-15	BRAGO, MICHAEL B	1102 MURRY STREET	1.0	200 - Single Family Residence	.110	12	
001-355-20	HUNT, JOSEPH K & LORI A	1366 MURRY STREET	1.0	200 - Single Family Residence	.600	16	
001-355-27	BROWN, SCOTT L. ET AL	1210 MURRY STREET	1.0	282 - Single Family Residential with Minor Improvements - No livable structures	.430	13	

WHITE PINE COUNTY Nevada

[Assessor Home](#)
[Assessor Inquiry](#)

Real Property Inquiry

[Search for Real Property \(Land, Improvements, etc.\)](#)

Order List By:

☒ Parcel Number☐ Owner Name☐ Property Location☐ District

Filters: Limit Selected Parcels to Include (Choose any number):

Parcel Number -

8-digit numbers, no dashes

Partial Owner Name Land Use Code Range - [Code Table](#)

examples: SMITH M / A

Acreage Range - Partial Property Location

examples: N MAIN ST /

Net Assessed Value Range -

for tax year 2015-16

District All

Search Results - Select for Detail

Parcel #	Owner Name	Property Location	Dist. Land Use
001-364-02	JACKSON, RANDY & JODI	1301 MURRY STREET	1.0 200 - Single Family Residence
001-364-03	HENRIOD, JESS D & TAMMY K	1321 MURRY STREET	1.0 200 - Single Family Residence
001-364-05	CISCAR, JOE	1377 MURRY STREET	1.0 200 - Single Family Residence
001-364-06	SIMPSON, BRAD K & ANGELA D	1353 MURRY STREET	1.0 200 - Single Family Residence
001-364-17	HANSEN, RANDALL MACE *	1393 MURRY STREET	1.0 200 - Single Family Residence
001-366-01	MAESTES, PATRICIA	1450 MURRY STREET	1.0 200 - Single Family Residence
001-376-13	MANIS, PHILLIP W	1446 MURRY STREET	1.0 200 - Single Family Residence
001-376-14	RANDOLPH, NORMAN S & CARMELLA	1440 MURRY STREET	1.0 200 - Single Family Residence
001-376-16	PEART, BRIAN	1460 MURRY STREET	1.0 280 - Single Family Residential with Minor Improvements
001-385-01	CARPENTER, VIRGINIA B & MORRIS	1590 MURRY STREET	1.0 200 - Single Family Residence
001-385-02	CORNUTT, DANIEL E & BEVERLY J	1580 MURRY STREET	1.0 200 - Single Family Residence
001-385-03	TURNER, DONALD ALFRED & MARYLEE	1550 MURRY STREET	1.0 200 - Single Family Residence
001-385-04	WESTPHAL, JUDITH K.	1542 MURRY STREET	1.0 220 - Manufactured Home Converted to Real Property
001-385-05	ROBISON, PENNY JO ETAL	1534 MURRY STREET	1.0 200 - Single Family Residence
001-385-06	FIELDING, NIKKI R	1520 MURRY STREET	1.0 200 - Single Family Residence
001-385-07	BRIGGS, KEVIN R & CAMMIE L	1510 MURRY STREET	1.0 200 - Single Family Residence
001-385-08	PROVOST, DAVID & MARIE TRUSTEE	1500 MURRY STREET	1.0 200 - Single Family Residence
001-385-10	ELY, CITY OF	MURRY CANYON PUMP STATION	1.0 700 - Operating Communication, Transportation, and Utility Property of an Inters
001-491-06	ELY, CITY OF	MURRY SPRINGS PUMP STATION	1.1 700 - Operating Communication, Transportation, and Utility Property of an Inters
010-420-38	MUNICIPAL WATER DEPT	MURRY SPRINGS	5.4 694 - Agricultural Deferred with Commercial

WHITE PINE COUNTY *Nevada*

[Assessor Home](#)
[Assessor Inquiry](#)

Real Property Inquiry					
Search for Real Property (Land, Improvements, etc.)					
Order List By:		<input checked="" type="radio"/> Parcel Number <input type="radio"/> Owner Name <input type="radio"/> Property Location <input type="radio"/> District			
Filters: Limit Selected Parcels to Include (Choose any number):					
Parcel Number	<input type="text"/> - <input type="text"/>	8-digit numbers, no dashes	Partial Owner Name	<input type="text"/>	<input checked="" type="radio"/> Assessed <input type="radio"/> Legal
Land Use Code Range	<input type="text"/> - <input type="text"/>	Code Table	examples: SMITH M / ACME MARKETS		
Acreage Range	<input type="text"/> - <input type="text"/>		Partial Property Location	<input type="text"/>	
Net Assessed Value Range	<input type="text"/> - <input type="text"/>	for tax year 2015-16	examples: N MAIN ST / MAPLE DR		
District	<input type="text" value="All"/>				<input type="button" value="Search"/>
Search Results - Select for Detail					
Parcel #	Owner Name	Property Location	Dist.	Land Use	Acreage Net Assessed Value
088-001-41	ROBINSON NEVADA MINING COMPANY	1 MURRY SPRINGS CIRCLE	1.0	400 - General Commercial	2.050 28,560
					<input type="button" value="Page Up"/>



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Melody Van Camp, Mayor, City of Ely,
State of Nevada,

Request for Opinion No. **15-21C**

Subject. /

NOTICE OF HEARING

PLEASE TAKE NOTICE, that the Nevada Commission on Ethics ("Commission") will consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Third Party Request for Opinion No. 15-21C at the following time and location:

The Hearing Will Take Place:

Wednesday, September 16, 2015 at 1:00 p.m., or as soon thereafter
as the Commission is able to hear the matter, at the following
location:

**Desert Regional Center
1391 S. Jones Blvd.
Las Vegas, NV 89146**

If the Proposed Stipulated Agreement is approved, it will serve as the final Opinion in this matter. If the Proposed Stipulated Agreement is not approved, the Commission will issue an Amended Notice of Hearing setting the date, time and location for a hearing to consider the matter.

DATED: August 24, 2015

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **NOTICE OF HEARING** in Request for Opinion **No. 15-21C**, via email and U.S. Mail, addressed to the parties and interested persons as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Jill C. Davis, Esq.
Associate Counsel
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

Email: ynevarez@ethics.nv.gov

Email: jilldavis@ethics.nv.gov

Chuck Odgers, Esq.
City Attorney
City of Ely
501 Mill Street
Ely, NV 8930
Attorney for Subject

Email: codgers@elycity.com

Ron Jenkins
9 Carson Ct.
Ely, NV 89301

Email: ronjwwtp@yahoo.com

Dated: August 24, 2015



Employee, Nevada Commission on Ethics



AGENDA ITEM NO. 5

AGENDA ITEM NO. 5



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

July 15, 2015

The Commission on Ethics held a public meeting on
Wednesday, July 15, 2015, at 9:00 a.m. at the following location:

**Gaming Control Board
1919 College Parkway
Carson City, NV 89706**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the open sessions are available for public inspection at the Commission's office located in Carson City.

1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.

Chairman Paul H. Lamboley, Esq. called the meeting to order at 9:20 a.m. Also present in Carson City, Nevada were Vice-Chairman Gregory J. Gale, CPA and Commissioners John C. Carpenter, Timothy Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., Keith A. Weaver, Esq., and James M. Shaw.

Present for Commission Staff was Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel, Jill C. Davis, Esq., Senior Legal Researcher, Darci Hayden, PP and Executive Assistant, Valerie M. Carter, CPM.

The pledge of allegiance was conducted.

2. Open Session for Public Comment.

No public comment.

The meeting was called into CLOSED session at 9:23 a.m.

CLOSED SESSION:

A. Discussion and consideration of a Proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 14-59C, regarding Gerald Antinoro, Sheriff, Storey County, State of Nevada, submitted pursuant to NRS 281A.440(2).

This Agenda item was held in closed session and will not be available to the public.

B. Discussion and consideration of a Proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 14-64C regarding Ashok Mirchandani, Deputy Director, Nevada Department of Business and Industry, submitted pursuant to NRS 281A.440(2).

This Agenda item was held in closed session and will not be available to the public.

C. Discussion and consideration of a Proposed Stipulated Agreement concerning Third-Party Requests for Opinion Nos. 15-02C¹, 15-07C and 15-08C regarding Paul Murphy, Member, Board of Directors, Fernley Swimming Pool District, State of Nevada, submitted pursuant to NRS 281A.440(2).

This Agenda item was held in closed session and will not be available to the public.

D. Closed Session for discussion and consideration of potential or pending litigation.

This Agenda item was held in closed session and will not be available to the public.

A brief recess was taken.

The meeting was called into OPEN session at 10:15 a.m.

OPEN SESSION:

Chairman Paul H. Lamboley called the roll. All Members of the Commission and staff were present.

2. Open Session for Public Comment.

No public comment.

3. Open Session for consideration and approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 14-59C, regarding Gerald Antinoro, Sheriff, Storey County, State of Nevada, submitted pursuant to NRS 281A.440(2).

Commissioners Gregory J. Gale and Cheryl A. Lau participated in the Panel Hearing for RFO 14-59C and were statutorily precluded from participating in this agenda item pursuant to NRS 281A.220(4).

Commission Counsel, Tracy L. Chase, Esq. summarized the issues of the case and the current status of the Stipulated Agreement.

Chairman Lamboley invited the parties to come forward. Appearing before the Commissioner were Brent Kolvet, Esq., counsel for Subject, and Jill C. Davis, Esq., Associate Counsel for the Commission.

Chairman Lamboley opened Commission deliberations regarding the proposed stipulated facts and terms, and the Commission directed questions for factual clarification to the parties' counsel. The Commission and Subject agreed to various modifications to the language of the Stipulation.

¹ The Commission's July 15, 2015 Meeting Agenda inadvertently stated Agenda Item C was regarding Requests for Opinion Nos. 15-03C, 15-07C and 15-08C, and it should have read 15-02C, 15-07C and 15-08C.

Commissioner Cory expressed his appreciation to Sheriff Antinoro for handling this matter in a forth right manner and moved to approve the Stipulated Agreement as presented, holding that Sheriff Antinoro non-willfully violated NRS 281A.400 (2) and (9) and NRS 281A.020. Commission Shaw seconded the Motion.

Commission Cory amended his to Motion authorize Commission Counsel to make ministerial corrections and adjustments as needed to the Stipulated Agreement. Commissioner Shaw seconded the amended Motion.

Commission Carpenter requested that the Sheriff furnish the Commission with a copy of any updated internal policies. Sheriff Antinoro agreed to provide a copy of updated policies as they become available.

The Motion was put to a vote and carried unanimously. See *In Re Antinoro*, Comm'n Opinion No. 14-59C (2015) (Stipulated Agreement).

Mr. Kolvet confirmed that Sheriff Antinoro consented to the amendments to the Stipulated Agreement. Chairman Lamboley thanked all parties involved for their participation in this overall meaningful case.

4. Consideration and approval of proposed Stipulated Agreement, including possible dismissal, pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 14-64C regarding Ashok Mirchandani, Deputy Director, Nevada Department of Business and Industry, submitted pursuant to NRS 281A.440(2).

Present before the Commission for this agenda item was counsel for the subject John Wicket, Esq. and Associate Counsel for the Commission, Jill C. Davis, Esq. Although not present, Wicket's partner, attorney Chan Lengsavath, Esq., also represented Mr. Mirchandani in this matter.

Vice-Chairman Gale disclosed for the record that Mr. Lengsavath worked for him in his previous position with the Gaming Control Board in the Audit Division, but that the employment relationship concluded six years in the past and he did not believe it would have any bearing on his decision-making in this matter.

Commissioner Weaver disclosed that, in his capacity as a private attorney, he previously represented a client in a private matter unrelated to this RFO or the Subject. However, he stated he would participate and vote in this matter unless Subject's counsel opposed it, but he did not think this personal business relationship would establish a conflict of interest on the matter.

Commission Counsel Tracy L. Chase, Esq. summarized the RFO and the procedural history of the case. Chairman Lamboley opened Commission deliberation. A discussion ensued regarding the language in paragraph "n" and the suggested addition of a new paragraph "r" by Commissioner Gale.

Mr. Wicket, Counsel for the Subject, clarified that Mr. Mirchandani was a member of the Board of Directors of Home Means Nevada (HMN) and as a member he was secretary and treasurer, and that was the extent of his role in that particular organization.

Commissioner Gale asked for confirmation from both parties that they were in agreement with the changes to the Stipulation that had been proposed. Both Mr. Wicket and Ms. Davis agreed. Commissioner Gale moved that the Commission approve the Stipulated Agreement as

presented, holding that Mr. Mirchandani did not violate NRS Chapter 281A. Commissioner Carpenter seconded the Motion. The Motion was put to a vote and carried unanimously. See *In Re Mirchandani*, Comm'n Opinion No. 14-64C (2015) (Stipulated Agreement).

Chairman Lamboley thanked Mr. Mirchandani and his counsel. Mr. Mirchandani offered comments regarding the status of NAHAC when he began his service and reiterated that he was not compensated for his service with NAHAC and HMN, and he is glad that he had the opportunity to help the housing crisis. He stated the process with the Commission has made him more eager to serve (the state) and serve better.

A brief recess was taken.

6. Approval of Minutes of the May 20, 2015 Commission Meeting.

This Agenda Item was called out of order.

Commissioner Lau moved to approve the May 20, 2015 Commission Meeting Minutes as submitted. Commissioner Shaw seconded the Motion. Commissioner Gale stated there were minor typographical errors in the Minutes that will be corrected.

The Motion was put to a vote and carried unanimously.

7. Election of Commission Chair and Vice Chair for Fiscal Year 2015-16, pursuant to NAC 281A.150.

Commissioner Lau moved that the current Chair and Vice-Chair designations remain until Chairman Lamboley's and Vice-Chairman Gale's terms expire. Commissioner Groover seconded the Motion.

Commissioner Carpenter suggested that it could take time before replacements will be named and thus, the Motion should designate that the Chair and Vice-Chair remain until replacements are named for both Commissioner Lamboley and Commissioner Gale.

Commissioner Lau amended her original Motion to reflect Commissioner Carpenter's comments. The Motion was put to a vote and carried unanimously.

Commissioner Gale requested that the Executive Director place the election of Chair and Vice-Chair on the next meeting Agenda.

8. Review and possible direction regarding the requirements of NRS 281A.500 to public officers holding multiple offices, including clarification of the filing requirements for, and revision of, the Nevada Acknowledgement of Ethical Standards form, prescribed by the Commission under NRS 281A.500(4).

Commission Counsel Tracy L. Chase, Esq. introduced the agenda item and asked the Commission for its guidance regarding the applicability of NRS 281A.500 (Acknowledgement of Ethical Standards) under certain circumstances. Ms. Chase explained that the current statute does not give direction to public officers holding more than one public office concurrently and whether or not an Acknowledgement of Ethical Standards form is required to be filed for each public office. Ms. Chase requested direction from the Commission to consider changing the statute next legislative session and in the meantime addressing the issue through an administrative regulation and updating the form to give more clear direction. A brief discussion ensued regarding NRS 281A.500 and Counsel's proposal.

Chairman Lamboley directed Commission Counsel to explore the possibility of addressing the issue through an administrative regulation and report back to the Commission when those details had been fleshed out.

11. Legislative Updates on certain Bills adopted in the 2015 Legislative Session of the State of Nevada, relating to operations of public agencies and public officers, including the informal codification of AB 60, relating to Ethics in Government Law.

This agenda item was called out of order.

Commission Counsel Tracy L. Chase, Esq. provided the Commission with an overview of the Bills adopted in the 2015 Legislative Session that effect the Commission. Ms. Chase discussed Assembly Bill No. 53 – Nevada Administrative Procedure Act (NRS Chapter 233B), Assembly Bill No. 135 – Nevada Public Records Law (NRS Chapter 239), Assembly Bill No. 179 – Security of Personal Information (NRS Chapter 603A), Senate Bill No. 70 – Nevada Open Meeting Law (NRS Chapter 241) and Senate Bill No. 307 – Financial Disclosure Statements and Gifts to Public Officers (NRS Chapters 218H and 281).

Ms. Chase informed the Commission that staff would implement necessary administrative changes to comply with this legislation.

A Lunch recess taken at 11:57 a.m. The meeting reconvened at 1:00 p.m.

9. Presentation on and direction for publication of Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).

This agenda item was called out of order.

The Executive Director, Yvonne M. Nevarez-Goodson, Esq., provided a Draft of the 2014-2015 Annual Report to the Commission and summarized the same. The final 2014-2015 Annual Report of the Commission on Ethics is attached to these minutes as "Exhibit 1."

Chairman Lamboley suggested that staff begin tracking inquiries that come in via telephone/email that require a substantive follow-up so the agency can illustrate it is not only responsive but that staff spends a great deal of time explaining statutes and referencing prior Commission Opinions in order to streamline what issues ultimately require the Commission's attention. The Executive Director agreed and confirmed that staff will start logging those calls/inquiries. Chairman Lamboley also suggested that staff track time spent on motions and litigation, as Requests for Opinion are becoming much more legally complex and time consuming.

Due to a scheduling issue, the Chairman tabled the remainder of this agenda item until the conclusions of agenda item no. 5.

5. Consideration and approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion Nos. 15-02C², 15-07C and 15-08C regarding Paul Murphy, Member, Board of Directors, Fernley Swimming Pool District, State of Nevada, submitted pursuant to NRS 281A.440(2).

Present via telephone was the Subject Paul Murphy and his counsel Rebecca Bruch, Esq., of Erickson, Thorpe & Swainston, Ltd. Present in Carson City was the Commission's Associate Counsel Jill C. Davis, Esq.

Commission Counsel Tracy L. Chase, Esq. summarized the issues in the Request for Opinion and the current status of the proposed Stipulated Agreement. A discussion ensued regarding the issues and facts presented in the proposed Stipulated Agreement.

Commissioner Weaver moved to approve the Stipulated Agreement as presented, holding that Mr. Murphy's actions constitute a single course of conduct resulting in a single violation of the Ethics in Government Law, implicating NRS 281A.020(1), 281A.420(1) and (3) and 281A.500, and that the allegations pertaining to violations of NRS 281A.400(2), (5), (6) and (9) lack sufficient evidence to support a violation by a preponderance of the evidence and are therefore dismissed.

Commissioner Groover seconded the Motion.

Chairman Lamboley suggested reducing the Civil Penalty associated with the willful violation from the proposed amount of \$1,500 to \$500. Commissioners Groover and Weaver agreed to amend the Motion accordingly. The Motion was put to a vote and carried unanimously. See *In Re Murphy*, Comm'n Opinion No. 15-02C. et al (2015) (Stipulated Agreement).

9. Presentation on and direction for publication of Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).

This agenda item was reconvened by the Chairman.

The Executive Director continued her presentation of the Annual Report. Chairman Lamboley complimented the Executive Director and the rest of the staff on their hard work over the past year. Chairman Lamboley suggested that his fellow Commissioners send any feedback/edits to the Annual Report to the Executive Director before publication.

10. Open Session for report by the Executive Director and Commission Counsel on agency status and operations, including, without limitation, an update regarding the status of pending Requests for Opinions, educational outreach, Externship Program with UNLV's Boyd School of Law, State of Official website for Commission, and Budget report and other Fiscal Year-end matters.

This Agenda Item was called out of order. Executive Director, Yvonne Nevarez-Goodson, Esq., referred to the updates presented in the Annual Report and gave an update regarding the externship program with UNLV's Boyd School of Law stating that not much progress had been made since her last update but she had been in contact with the Director of the Externship Program at Boyd and they continue to work together to get the externship details finalized in the hopes of having an intern by next Spring.

² The Commission's July 15, 2015 Meeting Agenda inadvertently stated Agenda Item C was regarding Requests for Opinion Nos. 15-03C, 15-07C and 15-08C, and it should have read 15-02C, 15-07C and 15-08C.

Ms. Nevarez-Goodson reported that the Commission staff currently has an intern Timothy Eacobacci, who is a graduate from the UNLV Boyd School of Law. She reported Mr. Eacobacci has agreed to intern for the Commission while he seeks permanent employment and takes the bar exam. Ms. Nevarez-Goodson reported that he has already engaged in a good amount of legal research on behalf of the legal staff of the Commission, and she hopes he will be able to attend a Commission meeting in the future.

Ms. Nevarez-Goodson gave an update on the Commission's website. She reported that staff is in the process of working with EITS to create a new website which will be up and running within the next several months.

The Executive Director discussed the current status of several pending Requests for Opinion. She noted there are several investigations pending and several stipulations in the works which will be presented to the Commission in the upcoming months. Ms. Nevarez-Goodson was happy to report there is currently no backlog of Opinions and the staff is current with the issuance of Opinions.

In conclusion, Ms. Nevarez-Goodson offered her gratitude and appreciation to Chairman Lambolely and Vice-Chairman Gale for their dedicated service over the past several years.

12. Open Session for Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

The Commission discussed scheduling logistics of the Commission's August meeting and follow-up requirements /suggestions regarding EEOC training for Commission members and the availability of such training. The Executive Director confirmed that she will follow-up and provide that information to the Commission at its next meeting.

13. Open Session for Public Comment.

No Public comments.

14. Adjournment.

Chairman Lambolely adjourned the meeting at 2:33 p.m.

Minutes prepared by:

Valerie M. Carter, CPM
Executive Assistant

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved: September 16, 2015:

Paul H. Lambolely, Esq.
Chairman

Gregory J. Gale, CPA
Vice-Chairman