



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

FIRST-AMENDED NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, March 16, 2016 at 9:00 a.m.
PLACE OF MEETING: This meeting will be held at the following location:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

FIRST- AMENDED 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.

	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. Authorization for the Commission Chair and/or Executive Director, as appropriate, to seek a written opinion from the Nevada Attorney General's office pursuant to NRS 228.150 to obtain clarification on State laws establishing confidentiality in State administrative proceedings for professional licensing matters, which may implicate provisions of NRS Chapter 281A, the Ethics in Government Law, and matters relating thereto.

*For Possible Action	<p>4. Discussion and consideration of Motion for Summary Judgment (“Motion”) and Offer of Proof based upon Panel Determination concerning Third-Party Request for Opinion No. 14-70C regarding Shirley Matson, Former Nye County Assessor, submitted pursuant to NRS 281A.440(2).</p> <ul style="list-style-type: none"> • The Commission will discuss and consider the Motion and Offer of Proof in a <u>closed session</u> pursuant to NRS 281A.440(16), and because such records may contain confidential content. • The Commission will go into <u>open session</u> to take action on the Motion and Offer of Proof.
For Possible Action	<p>5. Approval of Minutes of the September 16, 2015, December 16, 2015 and January 20, 2016 Commission Meetings.</p>
*For Possible Action	<p>6. Discussion and consideration of a Proposed Stipulation concerning Third-Party Request for Opinion No. 14-79C regarding Mike Lemich, Commissioner, White Pine County Board of Commissioners, submitted pursuant to NRS 281A.440(2).</p>
For Possible Action	<p>7. Report by Executive Director on agency status and operations, including:</p> <ul style="list-style-type: none"> • Commissioner Appointments • RFO/Case-log update • Education and outreach by the Commission. • Budget report and other fiscal matters. • Proposed legislative and regulatory considerations, establishment of Legislative/regulatory Subcommittee • Digital Upgrades for Commission Meetings
	<p>8. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.</p>
	<p>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.</p>
	<p>10. Adjournment.</p>

***A meeting or hearing held by the Commission pursuant to NRS 281A.440(16) 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



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PLACE OF MEETING: This meeting will be held at the following location:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

AGENDA

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For Possible Action	4. Discussion and consideration of Motion for Summary Judgment and Offer of Proof based upon Panel Determination concerning Third-Party Request for Opinion No. 14-70C regarding Shirley Matson, Former Nye County Assessor , submitted pursuant to NRS 281A.440(2).

For Possible Action	5. Approval of Minutes of the September 16, 2015, December 16, 2015 and January 20, 2016 Commission Meetings.
For Possible Action	6. Discussion and consideration of a Proposed Stipulation concerning Third-Party Request for Opinion No. 14-79C regarding Mike Lemich, Commissioner, White Pine County Board of Commissioners , submitted pursuant to NRS 281A.440(2).
For Possible Action	7. Report by Executive Director on agency status and operations, including: <ul style="list-style-type: none"> • Commissioner Appointments • RFO/Case-log update • Education and outreach by the Commission. • Budget report and other fiscal matters. • Proposed legislative and regulatory considerations, establishment of Legislative/regulatory Subcommittee • Digital Upgrades for Commission Meetings
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- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

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**

September 16, 2015

The Commission on Ethics held a public meeting on
Wednesday, September 16, 2015, at 8:30 a.m.
at the following location:

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

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the Open Session 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.

Chair Paul H. Lamboley, Esq., present in Las Vegas, Nevada, called the meeting to order at 8:34 a.m. Also present in Las Vegas, Nevada were Vice-Chair Gregory J. Gale, CPA and Commissioners Timothy Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., Keith A. Weaver, Esq., and James M. Shaw. Appearing telephonically was Commissioner John C. Carpenter.

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 L. Hayden, PP, and Commission Intern, Timothy Eacobacci.

The pledge of allegiance was conducted.

The meeting was called into CLOSED Session at 8:36 a.m. pursuant to NRS 281A.440.

The meeting was called into OPEN session at 12:40 p.m. Chair Lamboley noted for the record that Commissioner Carpenter was excused from participation in the afternoon session.

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. 14-79C, regarding Mike Lemich, Commissioner, White Pine County, submitted pursuant to NRS 281A.440(2).

Commission Counsel, Tracy L. Chase, Esq., noted on the record the telephonic presence of the Subject, Mr. Lemich, and his legal counsel, Richard W. Sears, Esq. Executive Director, Yvonne Nevarez-Goodson, Esq., noted for the record her recusal as Executive Director due to her participation at the beginning of this matter as Commission Counsel acting on behalf of the Commission and that Associate Counsel, Jill C. Davis, Esq., was acting on behalf of the Executive Director in this matter. The Chair noted Ms. Davis' participation in the development of the proposed stipulated agreement.

Ms. Chase summarized the issues of the case which included the allegations that Mr. Lemich had certain conflicts of interest and that he failed to properly disclose such conflicts and abstain from voting on certain matters during a White Pine County Commission meeting. The proposed stipulated agreement indicated that Mr. Lemich, acting as White Pine County Commissioner, made inconsistent disclosures of conflicts of interest during multiple commission meetings and the attenuated nature of certain incidents and totality of circumstances, established a single violation. Mitigating circumstances that support the issuance of a non-willful violation, include the facts that Mr. Lemich no longer serves as a Commissioner, he had no prior violations, he did not acquire any financial gain as a result of his conduct and he had fully cooperated with the investigation.

Ms. Chase requested a certain minor amendment to the language of the proposed stipulated agreement and the Chair asked if counsel agreed to the changes. Mr. Sears stated that he and his client had just finished reviewing the amendment and that Mr. Lemich now has some concerns about the overall case, specifically regarding the lack of any significant pecuniary interest at stake and whether it should warrant a violation.

The Chair tabled the matter for the next Commission meeting and directed counsel to confer on these issues.

A brief lunch recess was taken.

5. Approval of Minutes of the July 15, 2015 Commission Meeting.

This Agenda Item was called out of order.

Vice-Chair Gale was recognized by the Chair for a motion on approval of the minutes. Vice-Chair Gale moved to approve the July 15, 2015 Commission Meeting Minutes without amendment. Commissioner Lau seconded the Motion.

The Motion was put to a vote and carried unanimously.

6. Election of Commission Chair and Vice Chair for remainder of Fiscal Year 2015-16, pursuant to NAC 281A.150.

This Agenda Item was called out of order.

Chair Lamboley opened the floor for nominations for the position of Chair. Commissioner Cory nominated Commissioner Cheryl Lau for Chair. Commissioner Shaw seconded the Motion. No other nominations were made and the Chair closed nominations.

The Motion was put to a vote and carried unanimously.

The Commission agreed that it would take effect following the current meeting.

Due to scheduling issues, the Commission tabled the election of Vice-Chair until later in the meeting.

4. Consideration and 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).

This Agenda Item was called out of order.

Chair Lamboley began by recognizing Subject's counsel, City Attorney Chuck Odgers, Esq., and the Commission's Associate Counsel, Jill C. Davis, Esq., for their efforts in developing the proposed stipulated agreement and opened the floor for Commission Counsel, Tracy L. Chase, Esq., to summarize the proposed stipulated agreement and any minor changes to the language that had been brought out in questions from the Commissioners.

Ms. Chase summarized that the stipulated agreement addressed alleged violations regarding Mayor Van Camp's failure to properly disclose a conflict of interest involving her private property during a city council meeting and that she did not seek legal advice regarding abstention from the matter.

Ms. Chase indicated that mitigating factors supported a non-willful violation of NRS Chapter 281A based upon certain findings that Mayor Van Camp: 1) Did not participate or vote on the matter as the mayor is a non-voting member of the City Council (however, the mayor can be called on to vote in the event of a tie or when vetoing an item); 2) Was a newly elected public officer at the time, and has no prior ethics violations; 3) Has not received any personal financial gain as a result of her conduct; 4) Has been diligent in her cooperation with the investigation and resolution of the matter; and 5) The matter involved a project that began before Mayor Van Camp took office.

The only change to the proposed stipulated agreement requested by the Commission was to add the word "timely" in regard to the violation of failing to file an Acknowledgment of Ethical Standards Form. Ms. Chase indicated that the date of the filing is still being confirmed and that the word "timely" more accurately reflects the current status. Mr. Odgers then added a clarification for the record noting that Mayor Van Camp began her appointment in March 2014 following the death of the previous mayor and confirmed that, though her Acknowledgment form was untimely, he believed it was due to his client's late start in office.

The parties agreed to the minor changes. Commissioner Shaw moved to approve the proposed stipulated agreement as modified. Commissioner Lau seconded the motion. Vice-Chair Gale added to the Motion to include the authority for Commission Counsel to make minor changes, and the matter was put to a vote and carried unanimously.

7. Report by Executive Director.

This Agenda Item was called out of order.

Executive Director, Yvonne Nevarez-Goodson, Esq. provided a status report of the Commission's personnel policy manual noting that the manual was in draft stage in cooperation with State Human Resource personnel to ensure compliance with state policies. The goal for completion is for the end of this calendar year.

Ms. Nevarez-Goodson updated the Commission regarding outreach and education and advised that many training sessions have taken place since the last update and many more were already scheduled for the near future in local jurisdictions and state boards and commissions. Chair Lamboley asked whether the current outreach efforts includes sheriff associations and city and district attorney associations. Ms. Nevarez-Goodson responded that the current schedule does not include these entities, and that she was recently informed of a potential ethics reform matter from the Attorney General's office via invitations to a Law Enforcement Summit.

Ms. Nevarez-Goodson then summarized the results of her direct inquiry to the Attorney General regarding what was sought by the Summit's ethics reform. It is the Attorney General's understanding that law enforcement, in particular, the sheriff's association, had some concerns about the Ethics Commission and its jurisdiction given recent decisions, and they wanted the opportunity to vent those concerns and see if the Attorney General could offer guidance. Ms. Nevarez-Goodson said that the Attorney General, in his words, is attempting to be a buffer for the Commission in that effort.

Ms. Nevarez-Goodson then stated that she assured the Attorney General that the Commission would want to be invited to the table for any collaborative effort regarding any ethics reform rather than having such reform be a surprise during the next legislative session. Ms. Nevarez-Goodson believes the message was heard but the Commission was still not invited to the summit.

Chair Lamboley stated again that outreach to the trade associations is an opportunity to ensure transparent government and solicit feedback from the sheriff's association while informing the presenters (i.e., city attorneys) with a better understanding of ethics in government when representing clients before the Commission. Chair Lamboley stated the importance of the Commission's Executive Director and Commission Counsel keeping both the Attorney General's Office and the Governor's Office informed about what the Commission is doing, and keeping the lines of communication open.

Ms. Nevarez-Goodson confirmed that monthly meetings were ongoing with the Commission's liaison at the Governor's office. Ms. Nevarez-Goodson also highlighted ongoing efforts regarding the UNLV Boyd School of Law intern program, and the focus on outreach to publicly appointed and elected attorneys, both of which have been very positive.

Ms. Nevarez Goodson next updated the Commission regarding its website to reassure the Commission that a new website was in progress and that it will be utilizing significant staff resources to transfer all documents to the new website. However, the current website continues to serve its purpose. Chair Lamboley asked about the budget impact and Ms. Nevarez-Goodson explained that it would be a significant impact on staffing requirements, but that it was unclear exactly how much at this time until staff will know more about what it will entail technically to transfer the Commission's documents to the new website.

Ms. Nevarez-Goodson added that information was being gathered regarding utilizing a portal (intranet) on our website that would have secure access to Commission staff and members so that meeting materials could be uploaded by staff and downloaded from the same site directly by the Commissioners without having to transfer large data files via email. This is a tool that the Judicial Discipline Commission is currently utilizing and it works well with their commissioners. Ms. Nevarez-Goodson stated she was bringing this to the Commission's attention along with other ideas like getting tablets for the Commissioners to upload meeting materials to as part of the new proposed budget package.

Ms. Nevarez-Goodson then gave a verbal update on the status of the Commission's opinions stating that the opinions are current and on-track and that plans for handling the work from this meeting have already been made between Commission Counsel and the Associate Counsel.

Ms. Nevarez-Goodson returned to the topic of the budget by mentioning ongoing discussions with the Commission's liaison at the Governor's Office about the significant budget enhancements approved during this last legislative session for the Judicial Discipline Commission, including significant salary and job title adjustments. She explained that this Commission is looking for some parity in salary extensions to Commission staff in the next session. In the interim, Ms. Nevarez-Goodson stated that she has found some money that might be available from the local government reserves but that the Commission is likely limited in using it for salaries due to the legal restrictions associated with the Unclassified Pay Bill. Vice-Chair Gale asked about whether it was a real possibility to obtain salary adjustments through the Interim Finance Committee and Ms. Nevarez-Goodson responded that discussions are underway with the Director of the Office of Finance and the Commission's liaison at the Governor's Office to determine whether this is possible.

Ms. Nevarez-Goodson updated the Commissioners regarding EEO training. Commission staff has completed this training and the Commission, as members of state boards and commissions, will be given a printed packet that they can read and sign indicating their understanding of state policies. Another option is to have in-house training.

Ms. Nevarez-Goodson formally introduced the Commission's intern, Timothy Eacobacci, and indicated that he had been providing valuable service for several months and would be able to continue to do so until he obtains full-time employment.

As a final matter, Ms. Nevarez-Goodson thanked Chair Lamboley, Vice-Chair Gale and Commissioner Cory for outstanding service and dedication to the Commission, noting that all three were ending their terms of service over the next couple of months.

6. Election of Commission Chair and Vice Chair for remainder of Fiscal Year 2015-16, pursuant to NAC 281A.150.

This Agenda Item was called out of order.

Returning to the matter of elections, Chair Lamboley opened the floor for nominations of a Vice-Chair. Commissioner Shaw nominated Keith Weaver and Commissioner Lau seconded the Motion. No other nominations were made and the Chair closed nominations for Vice-Chair.

The Motion was put to a vote and carried unanimously.

8. Open Session for Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

Commissioner comments centered on goodbyes from the outgoing commissioners. Commissioner Cory asked Vice-Chair Gale whether he would be available to read the draft minutes before his term was up at the end of October and Vice-Chair Gale responded in the affirmative.

9. Open Session for Public Comment.

No Public comments.

10. Adjournment.

Chair Lamboleley adjourned the meeting at 2:50 p.m.

Minutes prepared by:

Darci Hayden, PP
Senior Legal Researcher

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved December 16, 2015:

Paul H. Lamboleley, Esq.
Chair

Gregory J. Gale, CPA
Vice-Chair



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

December 16, 2015

The Commission on Ethics held a public meeting on
Wednesday, December 16, 2015, at 1:30 p.m.
at the following location:

**Workforce Connections
6330 West Charleston Blvd., Suite 150
Las Vegas, Nevada 89146**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts 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.

Chair Cheryl A. Lau, Esq. called the meeting to order at 1:40 p.m. Also present were Vice-Chair Keith A. Weaver, Esq. and Commissioners John C. Carpenter, Magdalena Groover, Barbara Gruenewald, Esq. and Dan Stewart.

Present for Commission Staff was Executive Director, Yvonne M. Nevarez-Goodson, Esq., and Commission Counsel, Tracy L. Chase, Esq.

The pledge of allegiance was conducted.

2. Public Comment.

Mike McGreer offered comments regarding his opinion concerning conflicts of interest with respect to Nevada journalists running for and holding public office.

3. Approval of Minutes of the September 16, 2015 Commission Meeting.

Commission Counsel Tracy L. Chase, Esq. suggested this agenda item be tabled, as a quorum of the members who participated in the September 16, 2015 meeting was not present to vote on the related Minutes. Chair Lau agreed and tabled the agenda item.

4. Authorization for Commission Counsel to continue to defend and represent the interests of the Ethics Commission of the State of Nevada in pending legal proceedings entitled "Hansen and Wheeler vs. The Commission on Ethics of the State of Nevada", Case No. 15OC000761B, filed in the First Judicial District Court of Nevada, and associated Appeal filed in the Supreme Court of the State of Nevada, Case No. 69100, entitled "The Commission on Ethics of the State of Nevada vs. Hansen and Wheeler," including direction to Commission Counsel to continue to pursue the Appeal, and ratification and approval of the actions taken by Commission Counsel to file or institute the Appeal, as the official legal counsel of the Nevada Commission on Ethics. (This item was not an admission of wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.)

Vice-Chair Weaver moved to authorize Commission Counsel to continue to defend and represent the interests of the Ethics Commission and the State of Nevada in pending legal proceedings entitled Hansen and Wheeler vs. The Commission on Ethics of the State of Nevada. Commissioner Groover seconded the motion.

Commission Counsel Tracy L. Chase, Esq. requested clarification on the Motion.

Upon request from Commission Counsel Tracy L. Chase, Esq., Vice-Chair Weaver confirmed that his Motion included the ratification of all actions taken by Commission Counsel on behalf of the Executive Director and Commission Chair to file the appeal and pursue the case in that manner. Commissioner Groover seconded the amended Motion.

Commissioner Carpenter disclosed that he served as a member of the Nevada Legislature for 24 years, during which the Legislative Counsel Bureau provided official legal advice in all legislative matters. Commissioner Carpenter disclosed his view that he had a conflict and would abstain from participating in the agenda item.

The Motion was put to a vote and carried unanimously, with Commissioner Carpenter abstaining.

5. Report by Executive Director on agency status and operations.

Executive Director, Yvonne Nevarez-Goodson, Esq. welcomed and introduced newly appointed Commissioners Barbara Gruenewald and Dan Stewart.

Ms. Nevarez-Goodson stated that the Associate Counsel vacancy had been filled and she is looking forward to Judy Prutzman joining the Commission Staff in January. She reported that Ms. Prutzman currently serves as the Public Information Officer for the Department of Education and previously worked for Governor Sandoval as a Policy Advisor, where she was a liaison between the Ethics Commission and the Governor.

Ms. Nevarez-Goodson reported on the 2015 Conference for the Council on Government Ethics Laws (COGEL) which was held in Boston, Massachusetts on December 5-9 and attended for the first time by the Commission's Executive Director and Commission Counsel. She expressed her gratitude for the opportunity to attend the conference where she and Commission Counsel learned a wealth of information about trends in other states' ethics laws and how she might be able to offer some ideas for potential reforms to the Commission before the next legislative session.

Ms. Nevarez-Goodson gave a brief update regarding the Commission's outreach and education. She reported that since the last Commission meeting she has traveled to various jurisdictions to present Ethics training, including the City of Henderson, Clark County, and City of Reno. Ms. Nevarez-Goodson reported that she has also presented trainings to the Certified

Public Manager Program in Carson City and Las Vegas, as well as other state agencies. She discussed her goals to increase awareness of the ethics laws by making the training more easily accessible through NEATS and the Commission's website.

Ms. Nevarez-Goodson gave a brief update on the current fiscal year budget, stating that the agency is on track for spending in our base budget year. She stated that she will begin preparing the budget request for the next biennium after the New Year.

Ms. Nevarez-Goodson provided the Commission with the proposed 2016 Commission Meeting dates and the proposed matters for the January 20, 2016 agenda.

Lastly, Ms. Nevarez-Goodson discussed the Commission's Request for Opinion Log (Case log) and the current case load of the Commission and Staff. She reported that staff has been diligent in issuing timely Opinions.

6. Open Session for Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

Vice-Chair Weaver welcomed the newly appointed Commissioners Barbara Gruenewald and Dan Stewart.

7. Open Session for Public Comment.

Sandra Ramaker, Virgin Valley Water District of Mesquite Nevada expressed her displeasure with the Commissions processes regarding a Third Party Request for Opinion that she filed. At the direction of the Chair, Executive Director Yvonne Nevarez-Goodson provided a thorough explanation of the Commission's procedures regarding the review of a Third-Party Request for Opinion (Complaint), including the requirements for a minimum level of credible evidence. Ms. Nevarez-Goodson welcomed Ms. Ramaker to contact her independently for further explanation.

8. Adjournment.

Vice-Chair Weaver moved to adjourn the meeting, Commissioner Groover seconded the Motion. The meeting adjourned at 2:12 p.m.

Minutes prepared by:

Valerie Carter, CPM
Executive Assistant

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved December 16, 2015:

Cheryl A. Lau, Esq.
Chair

Keith A. Weaver, Esq.
Vice-Chair





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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

January 20, 2016

The Commission on Ethics held a public meeting on
Wednesday, January 20, 2016, at 9:30 a.m.
at the following locations:

**Laxalt Building - Second Floor Chambers
Nevada Commission on Tourism
401 North Carson Street
Carson City, NV 89701**

and via video-conference to:

**Grant Sawyer State Office Building
Governor's Office of Economic Development
555 E. Washington Ave, Suite 5400
Las Vegas, NV 89101**

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1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.

Chair Cheryl A. Lau, Esq. called the meeting to order in Carson City, Nevada at 9:30 a.m. Also present in Carson City were Commissioners Magdalena Groover, James M. Shaw and Dan H. Stewart. Present for Commission Staff in Carson City was Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel, Judy A. Prutzman, Esq. and Senior Legal Researcher, Darcy Hayden.

Present in Las Vegas, Nevada was Vice-Chair Keith A. Weaver, Esq. and the Commission's Executive Assistant, Valerie M. Carter.

Commissioners John C. Carpenter and Barbara J. Gruenewald, Esq. were excused from this meeting.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the September 16, 2015 and December 16, 2015 Commission Meetings.

Commission Counsel Tracy L. Chase, Esq. stated that a quorum of the members who participated in each of the September 16, 2015 and December 16, 2015 meetings was not present to vote on the related Minutes. Chair Lau tabled the agenda item.

4. Report by Executive Director on agency status and operations.

Executive Director Yvonne Nevarez-Goodson, Esq. discussed the remaining vacancy on the Commission, stating she had been assured by the Governor's office that an appointment is being considered.

Ms. Nevarez-Goodson introduced Judy A. Prutzman, Esq. who joined the Commission staff as Associate Counsel.

Ms. Nevarez-Goodson gave an update regarding the Commission's outreach and education, reporting that her focus is currently on Nye County and Southern Nevada in general. She stated she also has a POOL/PACT training coming up where several attorneys will be in attendance. Ms. Nevarez-Goodson welcomed Commissioners to suggest training for any communities which they believe are underrepresented or would benefit from training.

Ms. Nevarez-Goodson reported that she will be receiving budget instructions for the next biennial budget request in March, and will provide the Commission with that information at its next meeting. She reported the Commission's next budget request will likely include the same efforts to improve staff salaries, consistent with comparable agencies within the State, as well as ideas that will save staff time and costs related to the meeting materials that are provided to the Commissioners. Ms. Nevarez-Goodson welcomes any ideas or input from Commission members regarding the Commission's next budget request.

Ms. Nevarez-Goodson discussed the upcoming Legislative Session and stated that she plans on proposing some ideas for reform and would appreciate input from the Commissioners regarding the same. She stated she would like to establish another subcommittee, at the Chair's discretion, to prepare an appropriate legislative package for LCB, with sufficient time for discussions and revisions with the Commission.

6. Open Session for Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

The Commissioners offered no comments. Executive Director Ms. Nevarez-Goodson provided the tentative agendas and locations for the upcoming March and April Commission meetings.

7. Open Session for Public Comment.

No public comment.

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8. Adjournment.

Commissioner Shaw moved to adjourn the meeting. Commissioner Stewart seconded the Motion. The meeting adjourned at 9:41 a.m.

Minutes prepared by:

Valerie Carter, CPM
Executive Assistant

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved March 16, 2016:

Cheryl A. Lau, Esq.
Chair

Keith A. Weaver, Esq.
Vice-Chair

AGENDA ITEM NO. 6

AGENDA ITEM NO. 6

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).
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<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.
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<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.
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<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 NRS 244.275 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

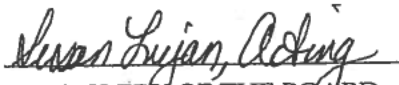
Chairman John Lampros entertained a motion to adjourn the meeting at 3:12 p.m. Commissioner Richard Howe made the motion; Commissioner Laurie Carson seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF WHITE PINE
STATE OF NEVADA

BY:


CHAIRMAN

ATTEST:


WPC CLERK OF THE BOARD

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it location in East Ely for this 3 bedroom, 1 3/4 home w/ two additional bonus rooms that can sed as bedrooms. Home has been beautifully vated. 2 car detached garage and covered pa- :219,000.00.



1033 Ave. H

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DESERT MOUNTAIN REALTY



21 Reno Rd

DRASTICALLY REDUCED!

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

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Vivian Almborg ~ Broker/Sales Assoc.

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Sonja Almborg ~ Sales-Associate

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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
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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 1

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

Jill Jakobiak - Clerk's Office

Congratulations to Clarence Herold 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 |

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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 surplus, 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 surplus, 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	36,000
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	(36,000)
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 F. Burtleigh
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

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**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 (320-501-52915-000) by the same amount;

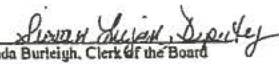
It Is Further Resolved that the Clerk of the Board shall forward the necessary documents to the Department of Taxation, State of Nevada.

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

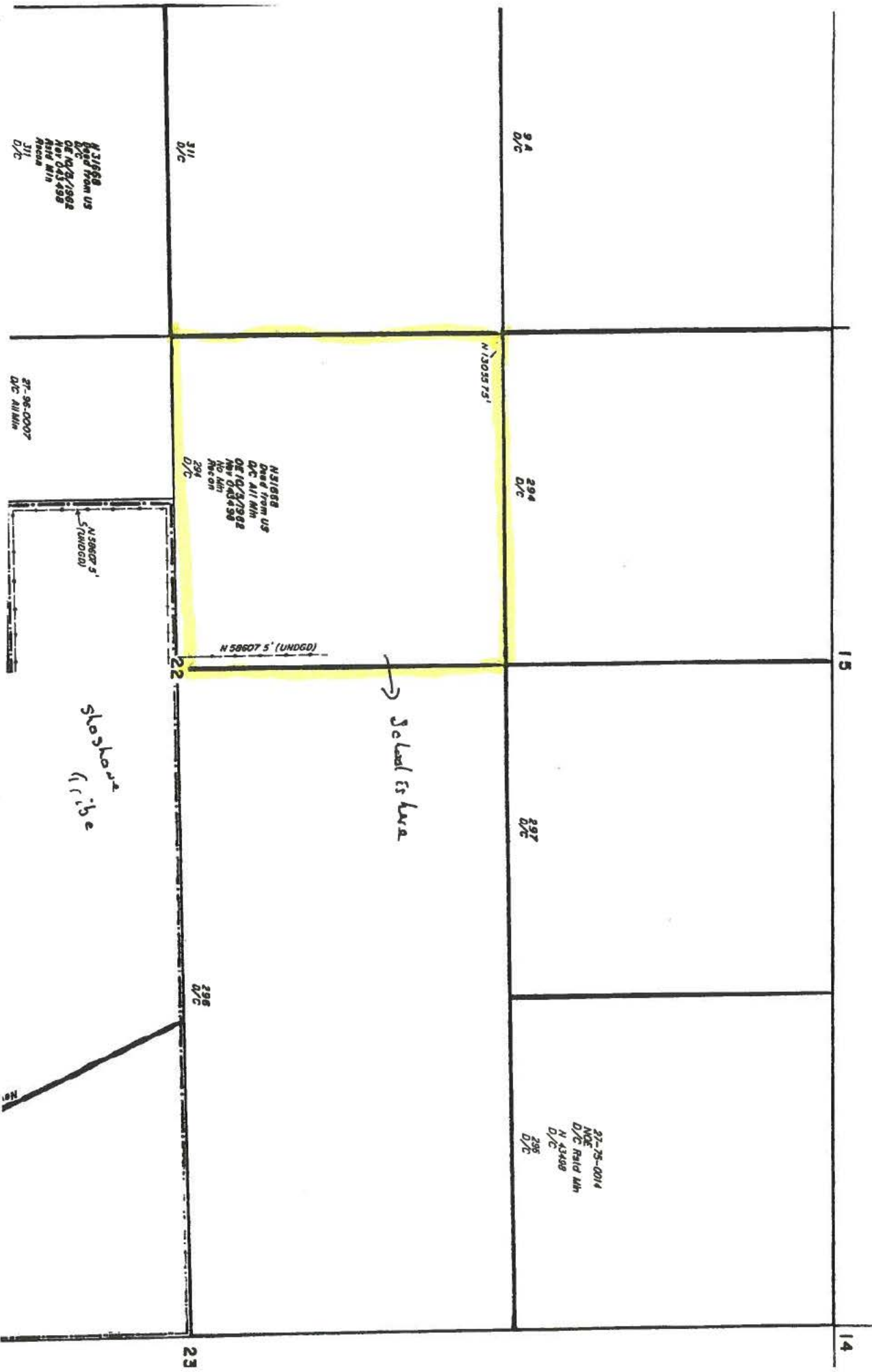
DISCUSSION/ACTION/APPROVAL RE: SUBMISSION OF WRITTEN COMMENT(S) BY THE EXTENDED COMMENT SUBMISSION DEADLINE OF OCTOBER 20, 2014 ON THE U.S EPA AND U.S. ARMY CORPS OF ENGINEERS 4/21/2013 ANNOUNCEMENT OF POLICY AMENDMENTS EXPANDING THE FEDERAL JURISDICTION ON WATER

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



10\20\2014





→ School is here

Shogawa
11.13e

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	10/11/2005	N 80890
25	SWSW;							
26	Lot 4, 5, 7, 9, W2SWSW, S2SE;							
27	Lot 10, 11;							
34	Lot 1, E2NENE;							
35	Lot 1, 2, 5, 7, NENE, W2NWNW;							
36	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	Lots 1-12, S2SE, S2NE; SE, NE;							
12	SESE, NESE, NWSW, SWNW;							
13	SESE, NESE, NWSW, SWNW;							
16	Lot 1-5;							
23	E2SW, SE;							
24	W2SW, W2NW;							
25	W2NW, NWSW;							
26	NE, NW, N2SE, Public lands in SW;							
27	E2SENE, Public lands in E2SE;							
34	W2NE, W2E2NE, SE;							
35	Public lands in N2;							
36	SW, SENW.	Key 17N55E	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.

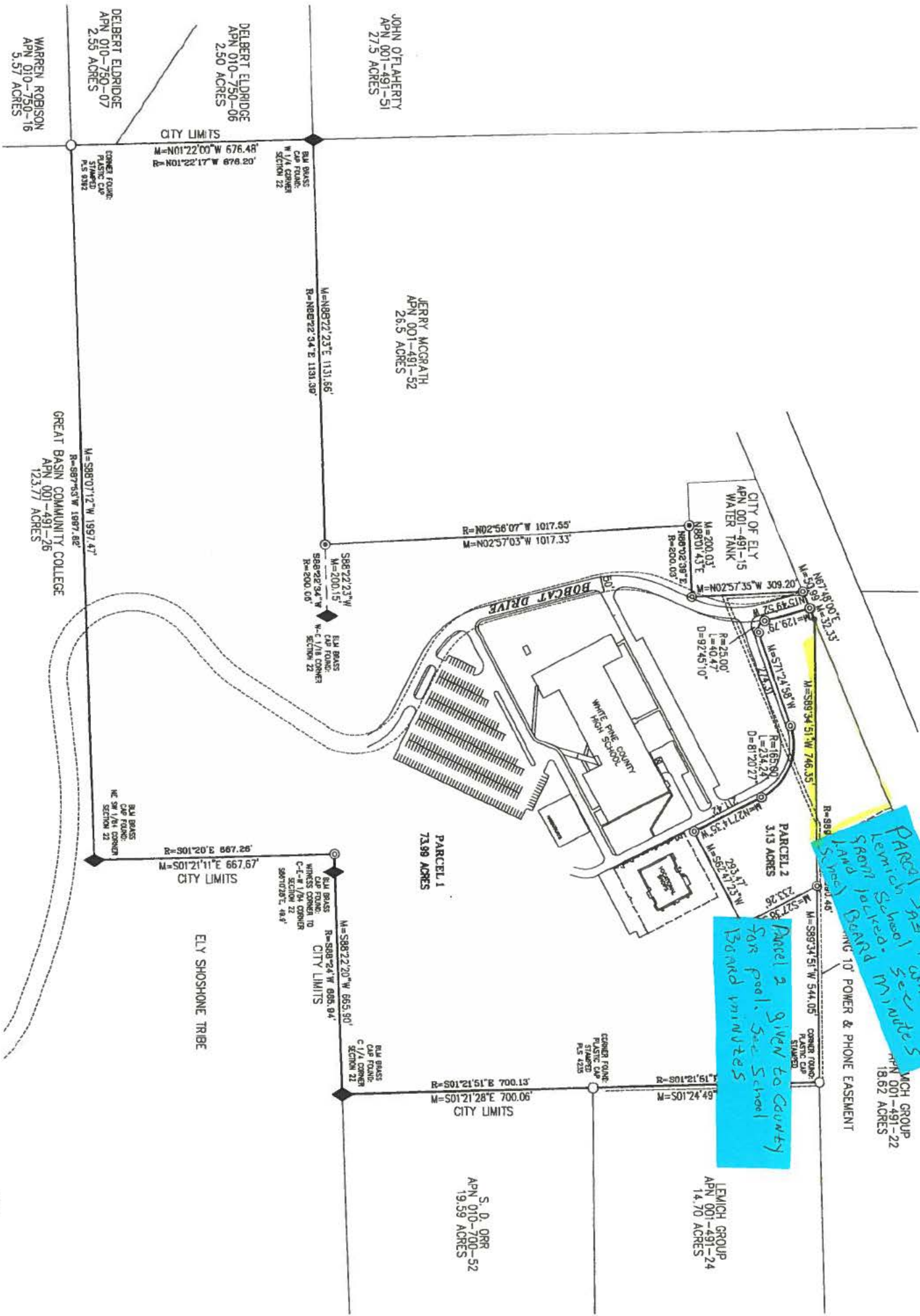
**DISCUSSION/ACTION TO DONATE DISTRICT PROPERTY LOCATED NEAR
WHITE PINE HIGH SCHOOL TO WHITE PINE COUNTY FOR USE OF THE
COMMUNITY RECREATION CENTER**

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
as
Lemich School sec minutes
from police land board
10' POWER & PHONE EASEMENT

Parcel 2 given to county
for pool & school
board minutes

MCH GROUP
APN 001-491-22
18.62 ACRES

LEMICH 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

JERRY MCGRATH
APN 001-491-52
26.5 ACRES

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

DELBERT ELDREDGE
APN 010-750-06
2.50 ACRES

DELBERT ELDREDGE
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



Animal Costume Contest

By Melody Van Camp
Ely City Mayor

If you think that your pet is the best, smartest, most adorable ever, then enter your pet in the Halloween Costume Contest by Ely Animal Control, Pet Officer 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 funniest costumes with tasty treats and a perfect punch for those costumes. There's plenty of time to watch 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 Control Office. A \$5 fee is required to enter.

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.

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

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

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

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State Of Nevada
Certification No. 00077
(Expiration 4/30/05)

WMT:nt
File No. E03-034

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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."

Provost agreed: "I don't think we should go into negotiations at this time until a site is selected and the engineering is done."

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.

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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:

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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..."

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





Google

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

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
AND SCHEDULING ORDER

**Notice of Hearing on Procedure or Dispositive Motions made
Pursuant to NAC 281A.265**

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.

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 April 23, Subject by and through his counsel, Richard W. Sears, Esq., filed a Response to the RFO.

On or about November 18, 2015, the Commission heard the facts in this matter via a proposed stipulated agreement. Subject declined to accept the proposed stipulated agreement and the matter was tabled. Subsequently, Subject has requested a hearing in this matter.

THE HEARING WILL TAKE PLACE:

Wednesday, **March 16-17, 2016, at 9:00 a.m.**, or as soon thereafter as the Commission is able to hear the matter at the following location:

**Grant Sawyer State Building
555 E. Washington Ave., Room #4412
Las Vegas, NV 89101**

Although the hearing is exempt from Nevada's Open Meeting Law pursuant to NRS 281A.440(15), the Commission makes every effort to open the hearing to the public. A record will be made by a certified court reporter. Subject has the right to appear, be represented by legal counsel. The Motion and related proceedings shall be in accordance with the Scheduling Order outlined below.

Scheduling Order

The Commission is scheduled to commence hearing the RFO on **March 16-17, 2016**. The Commission's Executive Director and/or Associate Counsel and the Subject (hereafter referred to respectively as a "Party" or the "Parties," as applicable) shall comply with the following scheduling order:

1. APPEARANCE.

The Commission requests the appearance of Subject at the **March 16-17, 2016** hearing. Subject, through his counsel of record, has confirmed he will be in attendance on such date.

1. DISCOVERY/INVESTIGATION.

Pursuant to NRS 281A.290 and 281A.440 and NAC 281A.270, on or before **Monday, January 25, 2016**, the Parties may engage in continued investigation of facts and exchange written discovery interrogatories and requests for production. Such requests shall not be costly or burdensome. All responses to discovery requests must be completed not later than 5 business days after receipt of the discovery request. Within the limits of time available for satisfying the requirements and deadlines set forth in this scheduling order and preparing for hearing, a party may request to depose any witnesses. Such depositions may be taken by telephone as agreed by counsel. Any disagreement regarding depositions of witnesses may be resolved by issuing subpoenas to compel the testimony of such witnesses at the hearing.

2. SUBPOENA POWERS.

On or before **Monday, February 1, 2016**, the Parties may submit a written request for the Commission to issue subpoenas for the production of documents or to compel the attendance of witnesses, if any, pursuant to NRS 281A.300. Each party shall serve such subpoenas in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the applicable costs of such service.

3. MOTIONS.

On or before **Thursday, January 28, 2016**, the Parties may submit written discovery-related and procedural motions to the Commission. The opposing Party shall submit a written response to any such motion not later than 3 business days after receipt of the motion. A reply to any responsive pleading may be provided by oral argument during the hearing at the discretion of the Commission.

On or before **Thursday, February 11, 2016**, the Parties may submit written non-discovery-related and substantive/dispositive motions to the Commission. The opposing Party shall submit a written response to any such motion not later than 3 business days after receipt of the motion. A reply to any responsive pleading may be provided by oral argument during the hearing at the discretion of the Commission.

The Parties shall submit to the Commission twelve (12) copies of any motion or response, including exhibits to the motion or response. All motions and responses must be bound and page numbered. The Executive Director/Associate Counsel's motions or responses must include a green cover sheet and the Subject's motions or responses must include a yellow or goldenrod cover sheet.

4. PREHEARING STATEMENTS.

On or before **Monday, February 22, 2016**, the Parties shall submit written prehearing statements to the Commission.

The Parties shall submit to the Commission twelve (12) copies of the prehearing statement. The prehearing statements must be bound and page numbered. The Executive Director/Associate Counsel's prehearing statement must include a green cover sheet and the Subject's prehearing statement must include a yellow or goldenrod cover sheet.

The Prehearing Statements must include the following information:

a) Statement of Relevant Facts

A brief statement of relevant facts, including any admitted or undisputed facts, not to exceed one page.

b) Claims and Defenses

A concise statement, not to exceed 2 pages, of the party's allegations or defenses and the facts supporting the same. Such allegations, defenses and facts shall be organized by listing each essential element of the allegation or defense and stating the facts in support of each such element as they relate to specific provisions of NRS Chapter 281A.

c) Statement of Issues of Law

A statement of any issues of law, not to exceed 2 pages, supported by authorities with a brief summary of the relevant rule and without additional argument. The parties should emphasize any Commission opinions deemed relevant and applicable.

d) Witnesses

The names of each witness, except impeaching witnesses, the party expects to call, a clear statement of the expected testimony of each witness and its relevance, and an estimate of the time the party will require for the testimony of each witness. To the extent possible, provide an estimate of time for cross-examination of the opposing party's witnesses.

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e) Exhibits

A list of the exhibits expected to be identified and introduced at hearing for the purpose of developing the evidentiary record and a concise statement of the relevancy of each exhibit.

f) Stipulations

A concise statement of any stipulations regarding relevant facts, the admissibility of an exhibit or expected testimony of any witness offered by the opposing party.

g) Motions

A brief summary of any pre-hearing procedural or substantive motions, not to exceed one paragraph. Except for any procedural or substantive motions that arise during the hearing, all pre-hearing procedural and substantive motions must be submitted in accordance with this Scheduling Order.

h) Other

Any other appropriate comments, suggestions or information which may assist the Commission in the disposition of the case, not to exceed one page.

5. EXHIBIT BOOKS.

On or before **Thursday, February 25, 2016**, the Parties shall submit to the Commission twelve (12) copies of an exhibit book(s) consisting of the exhibits, if any, expected to be identified and introduced as evidence at the hearing. The exhibit book(s) must include an index of the exhibits and be bound and Bates numbered.

- a) The cover of the Executive Director/Associate Counsel's exhibit book(s) must be green and the exhibit book(s) must be tabbed and identified by numbers.
- b) The cover of the Subject's exhibit book(s) must be yellow or goldenrod and the exhibit book must be tabbed and identified by letters.

6. OBJECTIONS.

On or before **Thursday, March 3, 2016**, the Parties shall submit a concise statement of any objections to the admissibility of any exhibit identified by the other party and, to the extent possible, the expected testimony of any witnesses. Such statement shall not exceed 2 pages. If no objection is stated as to any exhibit or expected testimony, the Commission will presume that there is no objection to the admission of the listed exhibit or expected testimony into evidence.

7. SUBMISSION AND SERVICE REQUIREMENTS.

The Parties shall submit all documents not later than 5:30 p.m. (the Commission's close of business) on the respective dates outlined herein to the Office of the Commission located at 704 W. Nye Lane, Suite 204, Carson City, Nevada 89703, care of Commission Counsel, Tracy L. Chase, Esq., or electronically to Ms. Chase at tchase@ethics.nv.gov. **Electronic submission does not eliminate the parties' obligations to provide physical copies of relevant documents to the Commission as outlined herein.**

Each party shall serve its documents on the other party by physical delivery or electronic mail not later than 5:30 p.m. on the respective dates outlined herein as follows:

Yvonne M. Nevarez-Goodson, Esq. Executive Director Nevada Commission on Ethics 704 West Nye Lane, Suite 204 Carson City, NV 89703 ynevarez@ethics.nv.gov	Richard W. Sears, Esq. Richard W. Sears Law Firm 333 Murry Street Ely, NV 89301 rwsears@me.com
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A certificate of service shall be included verifying service as required herein.

8. SUGGESTED QUESTIONS FOR WITNESSES.

If Cheryl Noriega, the Requester, wishes to question a witness at the hearing as authorized by NRS 281A.440(11), she must submit such questions in writing to the Commission's Executive Director, Yvonne M. Nevarez-Goodson, Esq., on or before **Thursday, February 11, 2016**. The Executive Director may submit the questions to the Commission if she deems the questions relevant and appropriate. The Commission is not required to ask any question so submitted.

9. EXTENSIONS AND CONTINUANCES.

The Parties may not agree to extensions of the deadlines included herein without the written consent of the Commission. Extensions will not be granted except in the case of good cause shown.

No request for continuance of the scheduled hearing may be granted except upon extraordinary circumstances stated in written motion.

10. PREHEARING CONFERENCE.

After the receipt of Prehearing Statements, the Commission will set a prehearing conference between the Parties and the Chair to be held before the hearing set for this matter.

11. HEARING SCHEDULE.

The Commission may set a hearing schedule after receipt of Prehearing Statements.

12. EXTENSIONS AND CONTINUANCES.

The Parties may not agree to extensions of the deadlines included herein without the written consent of the Commission. Extensions will not be granted except in the case of good cause shown.

DATED: December 23, 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 AND SCHEDULING ORDER** in Request for Opinion No. 14-79C, via Email to the Parties and interested persons addressed as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@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: December 23, 2015



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**

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, March 16, 2016 at 8:00 a.m., or as soon thereafter as the
Commission is able to hear the matter, at the following location:**

**Grant Sawyer State Building
555 E. Washington Ave., Room #4412
Las Vegas, NV 89101**

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: February 22, 2016

/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:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@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: February 22, 2016



Employee, Nevada Commission on Ethics

AGENDA ITEM NO. 7

AGENDA ITEM NO. 7



**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
16-35A	2/22/16	XXXXXX	XXXXXX	Self			Expected Hearing 4/20/16	
16-33C	2/11/16	XXXXXX	XXXXXX	XXXXXX		Pending Investigation		
16-14A	2/1/16	XXXXXX	XXXXXX	Self			Expected Hearing 3/16/2016	
16-13A	2/1/16	XXXXXX	XXXXXX	Self			Expected Hearing 4/20/16	
16-12A	1/15/16	XXXXXX	XXXXXX	Self			Pending	
16-11C	1/25/16	XXXXXX	XXXXXX	XXXXXX		Pending Investigation		
15-77A	12/21/15	XXXXXX	XXXXXX	Self			1/20/16	Opinion Issued 2/1/16, Abstract Pending
15-76A	12/21/15	XXXXXX	XXXXXX	Self			1/20/16	Opinion Pending
15-75A	12/7/15	XXXXXX	XXXXXX	Self			1/20/2016, Hrg on MTN to Withdraw 3/16/16	
15-74A	12/10/15	XXXXXX	XXXXXX	Self			1/20/16	Opinion Pending
15-73C	12/2/15	XXXXXX	XXXXXX	XXXXXX		Panel Hearing Expected 3/16/17		





**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
15-70C	11/5/15	XXXXXX	XXXXXX	XXXXXX		Pending Investigation		
15-67N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-66N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-65N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-64N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-63N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-62N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-59N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-58N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-57N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-56N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-55N	10/28/15	XXXXXX	XXXXXX	XXXXXX	Expected Hearing 3/16/2016			
15-54N	10/28/15	XXXXXX	XXXXXX		Expected Hearing 3/16/2016			
15-49A	10/7/15	XXXXXX	XXXXXX	Self			11/10/15	Opinion Issued 2/1/16, Abstract Pending

**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
15-45A	9/24/15	XXXXXX	XXXXXX	Self			12/16/15	Opinion Issued 2/3/16, Abstract Pending
15-40A	9/3/15	XXXXXX	XXXXXX	Self			9/16/15	Opinion Pending
 FISCAL YEAR 2015-2016 								
15-28A	5/4/15	XXXXXX	XXXXXX	Self			6/25/15	Opinion Issued 10/20/15, Abstract Pending
15-26C	4/29/15	XXXXXX	XXXXXX	XXXXXX	J.D. appeal by Requester re dismissed allegations, Staff J.D. upheld 9/16/2015	Pending Investigation		
15-17C	3/30/15	XXXXXX	XXXXXX	XXXXXX	J.D. Appeal by Requester; Appeal Granted on 5/20 /15	Panel Hearing Expected 3/16/16		
15-13C	3/30/15	XXXXXX	XXXXXX	XXXXXX	J.D. Appeal by Requester; Appeal Granted on 5/20 /15	Panel Hearing Expected 3/16/16		
14-79C	11/24/14	White Pine County	Mike Lemich, White Pine County	Cheryl Noriega		Waived Panel	Hearing Expected 3/16/16	
14-73C	10/23/14	Storey County	Leonard Lance Gilman	Gerald Antinoro		7/15/15, forward to hearing	Hearing on Mtns expected 4/20/16	

**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
14-71C	10/13/14	Elko County	Jim Pitts, Elko County Sheriff	Melinda Kahle		1/21/15 - forward to hearing, 4/15/15 - re add'l allegations, forward to hearing	Hearing on Mtns expected 4/20/16	
14-70C	10/6/14	Nye County	Shirley Matson, Nye County Assessor	Tammy McGill		5/20/2015, forawrd to hearing	Hearing Expected 3/16/16	
<div>  FISCAL YEAR 2014-2015  </div>								
14-09A	1/29/14	XXXXXX	XXXXXX	Self			3/18/14	Opinion Pending
<div>  FISCAL YEAR 2013-2014  </div>								