

EXHIBIT 1.A
October 23rd 2019 County Commission Meeting Minutes

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**DISCUSSION/FOR POSSIBLE ACTION/TO GO FORWARD WITH OR OPT OUT OF A
“NEGOTIATION CLASS” FOR ONGOING OPIOID LAWSUITS CREATED BY A RECENT
DESCISION IN FEDERAL COURT**

As the licensed (district) attorney, it is Wheable's job to give direction to the council (not the other way around as he suggests). We hire him for his licensure and knowledge of the law, as the county commission members are not licensed attorneys. Mr. Wheable should have known better than to have recommended opting for the state litigation option (rather than just being satisfied with accepting the Federal Settlement offering, as would have been the appropriate choice within his authority). Because the state litigation option involves litigating members of our own public as one of the stipulations of participation, a 'witch-hunt' by its very nature, with the help of a separately hired private law firm: This poses a clear violation of ***NRS 252.180 Restrictions on presentation of claims against county. No district attorney, except for his or her own services, shall be allowed to present any claim, account or demand, for allowance, against his or her own county, or in any way to advocate the relief asked on the claim or demand made by another.***

There is a reason we have these laws, as a layer of protection for the people of these small rural districts, to protect the people from government officials acting outside of the scope of their authority in any way that could inadvertently harm or cause distrust among the constituency, which is exactly what District Attorney Wheable's choice of recommendation did. This has had a devastating impact on the private sector of this small economy, hardly thriving as it is. Business owners no longer trust this government administration, which could very well explain the compound negative effect as to why so many of our small businesses have shut down since this poor decision to bully members of our private sector in such a lawless manner as this, began. Most businesses left remaining since the poor decision was made, remained so because they received forgiven CV-19 grants through *The Cares Act*; and in many cases, fared far better in the pandemic with the subsidization vs. natural means (as illustrated in a separate exhibit item which lists all businesses and persons that were subsidized). The majority would concur though that the reason this private sector has suffered greatly and why government distrust is at such an all-time high, is not due to the pandemic, but rather is largely due to the unlawful actions made by these entrusted officials (this decision among other careless actions; Competing with the private market just to name another), all actions taken in recent years.

This single decision recommended by District Attorney Wheable, to move forward with this unconstitutional litigation option, has set such a destructive precedence for our private sector that it may never recover from, until such time that We the People hold these officials accountable for their actions.

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON OCTOBER 23, 2019 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

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

County Officials

Jennifer Farnworth, IT Specialist
Tim Bunch, Human Resources Director
Scott Henriod, WPC Sheriff
Bryan Pyle, Deputy District Attorney
Burton Hilton WPC Assessor
Stefanie Backhaus, Appraiser I
Elizabeth Frances, Finance Director
Lori Romero, Library/Sr. Center Administrator
Mike Wheable, District Attorney
Bill Calderwood, Public Works Director
Dr. David Byun, Board of Public Health Chairman
Brad Christiansen, Building Official

Also Present

Geri Wopschall
George Chachas, KGTV-10
Kay McMurray, Ely Times
Bunny Hill, Silver State Classic Challenge
Scott Laity, SVTSCT
Earle Keizer, BCT
Matt Walker, WBR Hospital CEO
Natasha Majewski, Lone Mountain Partners

Chairman Richard Howe called the meeting to order at 9:00 a.m. Commissioner Laurie Carson led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

Mr. George Chachas advised of the design flaw at the east end of the ingress/egress on Avenue D, and noted people are running over the curb now; he visualized the problem getting worse once the snowfall begins. Pertaining to an agenda item regarding the selection of an engineer, he urged the Board to not select the one that messed Avenue D up. He added that professionals need to do their jobs, and we need a new Building Inspector. On the agenda item for donating County-owned property on Park Avenue to the Hospital for housing for their resident professionals and employees, he charged we would be competing against the private sector. He added that his family hasn't been allowed to develop their own property, and now this comes up. He also cited the parcel in the past that was worth \$40,000 but for which the County sold for only \$4,000; he had offered cash for the property and was refused. He commented that we're supposed to encourage the private sector, not hinder it. He asked if there is a non-discriminatory clause included when we receive Federal loans and/or grants. His final question was, why the City is giving a business license to a "vaping outfit" located between 2 schools; he stated there's no common sense in that. Time was called.

At 9:15 a.m., Chairman Richard Howe recessed the regular Commission meeting and opened the Road Commission meeting. At 9:24 a.m., Chairman Richard Howe adjourned the Road Commission meeting and reconvened the regular Commission meeting. The Board visited other agenda items as there was time available prior to the 10:00 a.m. timed agenda item below. At 10:27 a.m., Chairman Richard Howe recessed the regular Commission meeting and passed the gavel to Dr. David Byun, Chairman of the Board of Public Health. At 11:03 a.m., Chairman Byun returned the gavel to County Commission Chairman Richard Howe, who reconvened the regular County Commission meeting.

10:30 A.M. – BUILDING AND PLANNING

PUBLIC HEARING/DISCUSSION/FOR POSSIBLE ACTION/CONSIDERATION OF A PROPOSED APPLICATION FOR A CONDITIONAL SPECIAL USE PERMIT – THE APPLICANT, LONE MOUNTAIN PARTNERS, LLC, WISHES TO CONSTRUCT AND OPERATE A MARIJUANA DISPENSARY ON THE PROPERTY. THE SUBJECT PROPERTY IS 900 NORTH INDUSTRIAL WAY (PARCEL #3, INDUSTRIAL PARK), ELY, NV, T17N R63E, SECTION 36 – APN IS 010-281-05. THE PROPERTY OWNER IS OLD DOMINION FREIGHT LINE

County Building Office Brad Christiansen advised Lone Mountain is requesting to have a marijuana dispensary in the Industrial Park; however, since there's no longer an Industrial Park Review Board, he is coming to the County Commission. He cited the letter from the Old Dominion Freight Line requesting approval. WPC Clerk Nichole Baldwin advised no letters have been received by the Clerk's Office pertaining to this special use permit request. District Attorney Mike Wheable noted that last year this location—the Industrial Park—was designated as the only area for use with respect to the marijuana Ordinance. This is the last step so they can start up their business. Chairman Richard Howe asked for public comment. Ms. Bunny Hill came forward and noted that she's not opposed to the dispensary, but she is opposed to opening any retail establishments in the Industrial Park. She noted we have so many properties elsewhere that a retail business could go in, instead of the Park. She cited the Industrial Park Covenant's portion pertaining to retail sales, and advised she had read the covenants prior to purchasing her property. She requested the Board reconsider putting retail businesses out there, and commented that most of the highway was already zoned for commercial many years ago. She agreed that there really needs to be an Industrial Park Review Board out there again; when it was active, they worked to bring industry into the Park and made things consistent out there. D.A. Wheable explained that the County owned most of the properties out there, but over time they were sold and we no longer had the majority of the holdings out there; because of that, this Commission can no longer make decisions regarding that Park. Furthermore, the properties aren't being kept up by the property owners. He continued that the owners of those properties out there are the ones who must make the decisions. Ms. Hill still felt that we should have kept up with the Industrial Park Review Board if we wanted more control over the properties over there. Official Christiansen confirmed that proper notification had been sent out to the property owners in the Industrial Park regarding Lone Mountain, but no responses had been received to date. D.A. Wheable noted that future businesses would have a difficult time due to the precedent that would be set if this is approved; the only challenge would be to those currently running their businesses there. In reply to a query from the Board, he noted there was no risk involved or legal ramifications if this is approved. Commissioner Laurie Carson asked about Lone Mountain's days and hours of operation; to this, Lone Mountain Partners, LLC, representative Natasha Majewski advised their hours are planned to be from 8AM to 8PM, but that could change. She provided copies to the Board and the public of an Environmental Checklist, an assessment that identifies potential issues that could arise, such as with their surrounding neighbors, etc. She added that their building would be 3600 sq ft, with the products being produced on site; everything will be properly licensed and there would be very high levels of security, in order to be in compliance with State law. Ms. Majewski advised this is a general list, and it would get more specific when the construction begins. She noted there would be 6-10 full-time employees who would work from 30-40 hours per week. Commissioner Laurie Carson asked why there would be a 1000-gal. septic tank on site; Deputy District Attorney Bryan Pyle explained that the tank fulfills one of the requirements for the special use permit, and it involves the wastewater. Chairman Richard Howe entertained a motion for approval. Commissioner Ian Bullis made a motion to approve the conditional special use permit for Lone Mountain, LLC to construct and operate a marijuana dispensary on the subject property in the Industrial Park. Commissioner Shane Bybee seconded. Motion carried.

11:00 A.M. – UPDATE FROM BCT

DISCUSSION/UPDATE ON INFORMATION TECHNOLOGY FROM BUSINESS CONTINUITY TECHNOLOGY (BCT)

Mr. Earle Keizer is here today to give the Board a Power Point presentation update on BCT activities. First to be addressed was the Justice Center. BCT has reviewed with the construction builders the inventory of what had originally been planned, compared to what it is now. Newer versions will be presented through normal channels, including the pricing; he wants everything to be kept current, "not relying on 18-month old data." They're also working with the JAVS partners, seeing what they would need at the new Justice Center and how we can use what we already have over there. Mr. Keizer next addressed the broadband options; he advised there are maps on what should be done, but he is making the Board aware that those options are critical. They will be reviewing the final drawings and the wireless access points, door access, etc., especially with respect to low voltage areas, over the next 3 months. One thing

that hasn't been addressed is digital signage for the building; BCT recommends it, since it's important for how the public will be viewing the information. Finance Director Elizabeth Frances noted digital signage had been discussed at their team meetings, and the judges were also included in the discussion insofar as updating the courtroom schedules, etc. Next was regarding moving equipment into the new building; how to stage it, who would be involved, and the impact of moving itself, needs to be addressed. He commented they're always looking for ways to improve quality and address our needs.

Mr. Keizer then covered the ADS replacement project; they worked with Director Frances to ensure the new solutions would be turned on at the end of the year, and they are on schedule with this. DevNet, Helion and Tyler are already online, he noted; Benchmark was moved last week and is in the pre-production phase, also on target. JuryMark is in installation phase, and that will also be moved to the Justice Center; all these are on schedule and he's confident that by December 31, 2019 all will be up and running. He did note this initiative has taken more time, call volume and activity than was anticipated, but also feels it will taper off once things are in place. Regarding the ADA equipment for sound and video, Director Frances advised a quote has been received and a Maintenance ticket in to coordinate with the Library to see what requirements would need to be made in the Library Conference Room to provide better visibility and sound for everyone in the room. Wiring would be addressed first, she noted, and then the equipment could move forward. Mr. Keizer noted that they wouldn't want to be doing this for a few months and then have to move everything. BCT is also working on a different licensing option for the Windows 10 upgrade for the County; they're looking into purchasing a Countywide license. Regarding phone support, it was advised our phone system has had major issues since August 27th, and it's been an ongoing battle with Verizon, AT&T, etc.; over 80 hours were spent just getting the parties together to talk about this, plus additional travel was required for BCT outside their contract in order to coordinate. He commended Director Frances on all her time that was spent on this. IT activity has been very heavy, and it would be nice to be able to reduce that; IT Specialist Jennifer Farnworth does much of it, and it would be good to have some assistance for her. Director Frances noted that there is a position that has been authorized and she's working with Human Resources Director Tim Bunch to get someone recruited, although they've had no success to date. Mr. Keizer commented that this has been a very difficult period since they've been transitioning all the different softwares, etc. into the various County Departments. Commissioner Ian Bullis appreciated BCT for doing all that they do; the Board thanked Mr. Keizer for the update.

11:55 A.M. – NDOW GRANT OPPORTUNITY

DISCUSSION/FOR POSSIBLE ACTION/RATIFICATION OF GRANT APPLICATION FOR IMPROVEMENTS TO THE WHITE PINE COUNTY SHOOTING RANGE FROM THE NEVADA DEPT. OF WILDLIFE IN THE AMOUNT OF \$43,875.80 WITH A COUNTY REQUIRED MATCH OF \$25,454.12 COMING FROM DONATED LABOR, EQUIPMENT AND SUPPLIES FOR THE PERIOD OF JULY 1 THROUGH JUNE 30, 2020

Finance Director Elizabeth Frances noted this is to ratify; some volunteers from the community were working on this and were unaware of the process, namely to come before the Commission first. She added that Mr. Scott Laity is present today, and their group was able to provide all of the in-kind services required. Also, there was no problem whatsoever last time with their request. Commissioner Ian Bullis commented that as a frequent user of the shooting range, he appreciates all they've done up there. District Attorney Mike Wheable asked about the recent vandalism; Mr. Laity noted it amounted to a hole in their covered awning, and it was probably an accident rather than vandalism. He would like to see some safety signage up there to help avoid such things in the future. He continued that they've been having a great turnout, and have gone from hardly anyone using the range to having people there nearly every day. They are requesting some more shade, awnings, more concrete pours, etc., as well as exploring more permanent target ideas. Commissioner Ian Bullis made a motion to ratify the grant application to improvements to the White Pine County Shooting Range from NDOW for \$43,875.80 with a County required match of \$25,454.12 coming from donated labor, equipment and supplies as requested. Commissioner Laurie Carson seconded. Motion carried.

ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS

ELECTED OFFICIALS

BURTON HILTON, ASSESSOR

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO PROMOTE STEFANIE BACKHAUS TO APPRAISER II GRADE 126 FROM APPRAISER I GRADE 125, EFFECTIVE 10/28/19

WPC Assessor Burton Hilton is requesting to promote Ms. Stefanie Backhaus to Appraiser II, Grade 126 from her current job as Appraiser I Grade 125. He cited her Job Description fulfillment, the licenses she has acquired, and

continuing her education; she's done an amazing job completing all the requirements. He requested this during the last budget season, and it was approved at that time. Chairman Richard Howe congratulated Ms. Backhaus for all her hard work. Assessor Hilton added that he can't do the job without great people, and we're very lucky to have her. Chairman Richard Howe entertained a motion for approval. Commissioner Travis Godon made a motion to approve the promotion of Ms. Stefanie Backhaus from Appraiser I Grade 125 to Appraiser II Grade 126, effective 10/28/19 as requested. Commissioner Ian Bullis seconded. Motion carried.

MIKE WHEABLE, DISTRICT ATTORNEY

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF A REQUEST FOR PROPOSALS FOR THE SALE AND/OR DEVELOPMENT OF COUNTY-OWNED PROPERTY KNOWN AS APPROXIMATELY 1.934 ACRES OF LAND LOCATED AT A POINT 108' NE OF THE EASTERN TERMINUS OF AVE. M AND 127' EAST OF THE EASTERN TERMINUS OF PARK AVENUE, ELY, WHITE PINE COUNTY, NEVADA, FURTHER IDENTIFIED AS APN 002-271-13, FOR THE PURPOSE OF CONSTRUCTING RESIDENTIAL HOUSING TO ADDRESS THE COUNTY'S HOUSING SHORTAGE

District Attorney Mike Wheable advised this is the first step in the process of addressing the County's housing shortage. We're trying to entice developers to come in; at this point we're just asking for concepts, ideas and plans. This agenda item just allows RFPs to be sent out. Chairman Richard Howe entertained a motion to approve. Commissioner Travis Godon made a motion to approve RFPs to go out for the sale and/or development of County owned property APN 002-271-13 to address the County's housing shortage as requested. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO GO FORWARD WITH OR OPT OUT OF A "NEGOTIATION CLASS" FOR ONGOING OPIOID LAWSUITS CREATED BY A RECENT DECISION IN FEDERAL COURT

District Attorney Mike Wheable advised that due to a settlement with some opioid manufacturers, every County in every State is automatically included; it's per capita, as he explained, and we would get a portion of the settlement eventually if we don't do anything. White Pine County would receive roughly \$18,000 from this; the Commission has recommended putting the money back into public health needs. It was noted the City of Ely would receive approximately \$5,000 for their portion. D.A. Wheable felt there could also be some State litigation against the opioid manufacturers, perhaps through NACO. If we accept the settlement, he noted we would be barred from suing in the State court. So we have a choice; do nothing and accept from \$20,000-40,000 at most from the settlement; or take a risk by going the long way with State litigation and receive a larger settlement. He felt we could stay in and opt for more monies in the future; he recommended consideration of opting out of the Federal lawsuit and pushing forward. The Board would need to give the D.A.'s office some direction in this. Commissioner Laurie Carson asked about the cost to participate in the State lawsuit; D.A. Wheable noted that Clark and Washoe counties would be putting the most amount of funding into the lawsuit, and we could just add our names in to support them. Unless we are specifically asked to cover something, he felt we wouldn't need to contribute very much. The deadline to opt out of the settlement is November 22nd, he noted. He opined that while we would be receiving from \$20-40,000 from the settlement, based on our opioid issues we should be able to get anywhere from \$100-200,000 for the County in litigation. Commissioner Laurie Carson wished to go to the Public Health portion of the agenda to hear the information regarding the opioid issue in the County, and then return to this agenda item. The Board agreed; so at this point Chairman Richard Howe recessed this agenda item and gave the gavel to the Board of Public Health Chairman Dr. David Byun.

Following the meeting of the White Pine County Board of Public Health, Chairman Richard Howe reconvened the regular Commission meeting and reopened this agenda item. District Attorney Mike Wheable will work with Deputy District Attorney Bryan Pyle and NACO regarding our participation in the litigation for this issue. D.A. Wheable cited Eglet Prince, a Nevada firm that represents the State, Carson City, and various counties in the litigation; they are already taking it to the opioid companies around Nevada. He felt we could retain this firm at nominal cost, and we already have the training moving forward; it is his recommendation to retain Eglet Prince and opt out of the lawsuit. Chairman Richard Howe entertained a motion to opt out of the ongoing opioid lawsuit. Commissioner Travis Godon made a motion that White Pine County opt out of the ongoing opioid lawsuit created by the recent decision in Federal court, and retain Eglet Prince as discussed and recommended. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF RESOLUTION 2019-54 REQUESTING THE NEVADA ATTORNEY GENERAL PROSECUTE A CASE DUE TO A PROFESSIONAL CONFLICT WITHIN THE DISTRICT ATTORNEY'S OFFICE

Commissioner Shane Bybee disclosed that he is aware of some aspects of this case and will abstain from discussion and the vote. District Attorney Mike Wheable noted that it's unprofessional and sometimes unethical to prosecute certain cases ourselves, and so we request the Attorney General's Office do this; it's normal procedure. Chairman Richard Howe entertained a motion for approval. Commissioner Laurie Carson made a motion to approve Resolution 2019-54 to request the Nevada Attorney General's Office prosecute a case due to a professional conflict within the D.A.'s office. Commissioner Travis Godon seconded. Motion carried.

NICHOLE BALDWIN, COUNTY CLERK

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO ACCEPT THE OFFER TO BECOME A COOPERATING AGENCY IN THE PROCESS TO PREPARE AN ENVIRONMENTAL ASSESSMENT (EA) TITLED TARGETED AND PRESCRIPTIVE GRAZING OF ANNUAL GRASSES IN GREAT BASIN ECOSYSTEMS IN NEVADA BY THE BLM

Commissioner Travis Godon advised he will abstain from this due to his family's grazing involvement. WPC Clerk Nichole Baldwin noted that the BLM sent an invitation to the Commissioners requesting this; the agenda item is asking approval to accept the invite to become a cooperating agency in the EA process. Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to accept the BLM's offer to become a cooperating agency in the process to prepare an EA on the Targeted and Prescriptive Grazing of Annual Grasses in Great Basin Ecosystems in Nevada. Commissioner Shane Bybee seconded. Motion carried, with Commissioner Travis Godon abstaining from the vote.

Richard Howe, Chairman
Travis Godon, Vice Chairman
Commissioner Shane Bybee
Commissioner Ian Bullis
Commissioner Laurie L. Carson

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Nichole Baldwin, Ex-officio Clerk of the Board

White Pine County
Board of County Commissioners

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Resolution Number 2019-54

RESOLUTION TO APPLY FOR SPECIAL PROSECUTION THROUGH NEVADA ATTORNEY GENERAL'S OFFICE

WHEREAS, the District Attorney of White Pine County, having appeared before this body on October 23, 2019, and presented facts as to a conflict in prosecuting DA Case #2019-296; and,

WHEREAS, pursuant to NRS 228.130, said District Attorney has requested this body to resolve an application to the Nevada Attorney General's Office for review and possible prosecution of said case; and,

WHEREAS, compensation for said assistance is set by NRS 228.130(2) and (4), to reimburse for travel expenses, board and lodging and if the case is prosecuted as a Category A or B Felony, for other costs to be agreed upon by the District Attorney and the Attorney General,

NOW THEREFORE, BE IT RESOLVED, that the White Pine County Board of Commissioners hereby applies to the Nevada Attorney Office of the Attorney General for the review and possible prosecution of the above-mentioned case.

IT IS FURTHER RESOLVED that upon presentation of a duly verified claim setting forth the travel expenses incurred, including mileage, board and lodging from Carson City or Las Vegas to Ely, Nevada, as well as other costs agreed on by the District Attorney and Attorney General, this body will reimburse for actual costs from the General Fund in an amount not to exceed \$2,500.00.

Passed, adopted and approved the 23rd day of October, 2019.

Ayes: 4
Nays: 0
Absent: 0
Abstention: 1


Richard Howe, Chairman of the Board

ATTEST:


Nichole Baldwin, Clerk of the Board

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO SELECT A LIAISON(S) TO THE BLM TO WORK AS A COOPERATIVE AGENCY CONCERNING THE ROBINSON PLAN OF OPERATIONS AMENDMENT FOR THE KING AND NORTH TRIPP DUMPS AND TAILINGS STORAGE FACILITY ENVIRONMENTAL IMPACT STATEMENT (EIS) PROCESS APPROVED BY THE BOCC ON OCTOBER 9, 2019 AND/OR FOR THE PROCESS TO PREPARE AN ENVIRONMENTAL ASSESSMENT (EA) TITLED TARGETED AND PRESCRIPTIVE GRAZING OF ANNUAL GRASSES IN GREAT BASIN ECOSYSTEMS IN NEVADA

Commissioner Travis Godon advised he would also abstain from this agenda item due to his relationship with the ranching community. Clerk Baldwin advised that during the last meeting, this Board discussed appointing a liaison to work with the BLM on this. She continued that the Commission would need to select a liaison for either one or both of these projects. Chairman Richard Howe commented that Commissioner Laurie Carson has a lot of background in these and perhaps she might be willing to be a liaison. Commissioner Carson indicated she would be fine with this. Chairman Richard Howe entertained a motion for selection. Chairman Richard Howe made a motion to select Commissioner Laurie Carson as liaison to the BLM to work as a cooperative agency on the Robinson Plan of Operations Amendment for the King and North Tripp Dumps and Tailings Storage Facility EIS process; and also for the process to prepare an EA titled Targeted and Prescriptive Grazing of Annual Grasses in Great Basin Ecosystems in Nevada. Commissioner Ian Bullis seconded. Motion carried, with Commissioner Travis Godon abstaining.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF THE REQUEST FOR RESIGNATION OF ERNIE RIVERA FROM THE MCGILL TOWN COUNCIL

Clerk Baldwin advised that Mr. Ernie Rivera has stepped down from the McGill Town Council and is asking the Board to approve his resignation. Commissioner Ian Bullis made a motion to approve the resignation of Ernie Rivera from the McGill Town Council as requested. Commissioner Travis Godon seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF THE REQUEST OF APPOINTMENT FROM DANIELLE JENSEN TO THE VACANT SEAT ON MCGILL TOWN COUNCIL

Clerk Baldwin advised that Ms. Danielle Jensen had previously applied for a seat on the McGill Town Council and was also interviewed for the position. She is now reapplying for the vacant seat and requesting appointment. Chairman Richard Howe advised that while he has no problem with her, he wondered if we should allow others the opportunity to apply as well. Clerk Baldwin noted that when Mr. Rivera resigned from that board 3-4 weeks ago, the McGill Town Council's Secretary, Delores Manchester, posted a notice around McGill to advise of the vacancy. Chairman Howe was unaware of that and noted he's fine with this; subsequently, he entertained a motion for approval. Commissioner Laurie Carson made a motion to approve the appointment of Ms. Danielle Jensen to the vacant seat on the McGill Town Council as requested. Commissioner Shane Bybee seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO PARTICIPATE IN A SPECIAL JOINT MEETING WITH THE ELY CITY COUNCIL, THE ELY MUNICIPAL UTILITIES BOARD, AND THE WATER ADVISORY COMMITTEE ON A DATE IN DECEMBER 2019 IN THE LIBRARY CONFERENCE ROOM FOR AN UPDATE FROM THE HYDROLOGIST

County Clerk Nichole Baldwin advised that at the time she wrote this agenda item, she was unaware that all 4 boards would be present for the meeting here in the County Library. She suggested the Commission and the City of Ely could be set up front, with the other 2 boards dispersed in the audience. Chairman Richard Howe entertained a motion to approve. Commissioner Travis Godon made a motion to approve participating in a special joint meeting with the Ely City Council, Ely Municipal Utilities Board and the Water Advisory Committee on December 11, 2019 at 4:30 p.m. in the County Library Conference Room as requested. Commissioner Ian Bullis seconded. Motion carried.

DEPARTMENT HEADS

BILL CALDERWOOD, PUBLIC WORKS DIRECTOR

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO SELECT UP TO 3 ENGINEERING FIRMS FOR UP TO A 2-YEAR TERM OF SERVICE FOR THE PURPOSE OF PROFESSIONAL SERVICE ADMINISTRATION FOR GRANTS, CAPITAL IMPROVEMENTS, AND ROAD DEPARTMENT PROJECTS BASED ON THE EVALUATION OF THE COMMITTEE'S RECOMMENDATIONS

Public Works Director Bill Calderwood advised the Scope of Work would include everything from the cost estimates through the project closure. He cited backup materials which show the evaluation criteria, and noted there are no point values assigned. They received 8 Statements of Qualifications from different firms; both he and Road Supervisor Martin Troutt reviewed and evaluated them, with the results narrowed down to 3 finalists. Those were

Sunrise Engineering, Basin Engineering, and Day Engineering. He recommends going with all three firms. In reply to a query from Chairman Richard Howe, Director Calderwood explained that by going with all 3 firms we could avoid pitfalls in timeframes, i.e. if one firm stated they could do a project in a year but the stipulation needed it in 6 months, one of the others could fill that gap. We would contract with each firm individually, he noted, with a term of 2 years for each. Finance Director Elizabeth Frances cautioned that we would need to be consistent with what the granting agency requires for projects. Chairman Richard Howe entertained a motion for approval of all 3 firms. Commissioner Ian Bullis made a motion to approve the County's partnerships with Sunrise Engineering, Basin Engineering, and Day Engineering, for 2 year terms as discussed, and contract with them as needed for projects. Commissioner Laurie Carson seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO MODIFY PARK USE POLICY AND USAGE FEES

Chairman Richard Howe cited discussion at the last meeting regarding waiving fees for the Punkin' Chunkin' event, which was no problem. Director Calderwood wished to clarify our policy going forward, and cited the current Park Use Policy. He reviewed it for the Board, noting that a single function event of 25 people or less wouldn't be charged a use fee and there was no cleaning deposit; this would pertain to birthday parties, etc. He explained the process, which involves kiosks, paperwork and scheduling. For functions requiring a cleaning deposit, a separate check for that is done apart from the park use fee; Maintenance then bills for their time and reimburses the group for the remainder. Functions such as the White Pine Rodders or Arts-in-the-Park fall into the 4th category, where the entire Park is used; for these types of events the group must bring in their own dumpsters and portable restrooms. Fees for the Little League Park and Marich Field are discussed on the second page of the Policy. Commissioner Ian Bullis agreed with an earlier comment from Commissioner Shane Bybee, that we're already paying taxes to fund these ballparks, and it seems redundant to charge fees, although he agreed the Cleaning Deposit would be needed. Director Calderwood explained that these events don't bring in a lot of revenue, plus the County does have the first right of refusal, such as for Camp Success and Arts-in-the-Park. He likes that for groups or individuals that are legitimate, there's a certain amount of control involved. His concern, however, is that a small group could take up the entire Park area to play Frisbee, as he illustrated. During the discussion, Commissioner Shane Bybee suggested keeping the cleaning deposits but drop the fee schedule, so people could use the Parks they're already paying to utilize, and they would just have to meet a set of reasonable requirements. He would like us to make it easy for our citizens to utilize the Parks, namely Veteran's Park and Steptoe Park, while leaving the ball park policies unchanged. He felt we need to encourage the utilization of our Parks instead of discouraging their use; he would also like to see total revenues for what was taken in last year in Park rentals; Director Calderwood will provide that information, after which the Board could make a decision. Following some discussion, It was felt that Commissioner Ian Bullis would meet with Director Bill Calderwood and Finance Director Elizabeth Frances on a revised list of Park fees that this Board could either accept or reject. Subsequently, Commissioner Ian Bullis made a motion to table this agenda item. Laurie Carson seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF THE USE OF THE AREA WHERE THE PRIOR EXTENSION OFFICE WAS LOCATED FOR A BONFIRE ON THE NIGHT OF JULY 3, 2020

Chairman Richard Howe advised he will abstain from this agenda item as it is for the All-Class Reunion, with which he is involved. He did note he's been to the Sheriff's Dept. and the Fire Marshall regarding this event, and it's been shown to be acceptable with them. Commissioner Ian Bullis made a motion to approve this as requested. Commissioner Shane Bybee seconded. Motion carried.

TIM BUNCH, HUMAN RESOURCES DIRECTOR

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO AMEND PERFORMANCE MANAGEMENT POLICY (WPC 10.10.2.3.) IN ORDER TO ENSURE CURRENT AND ACCURATE WHITE PINE COUNTY PERSONNEL POLICIES

Human Resources Director Tim Bunch cited the backup materials and explained that he wants to ensure we're current on our Performance Management appraisal policy. He noted there are a few clarifications included in there; the steps in the process are more detailed in this amendment. Everything highlighted shows the changes that were made to the policy manual. Commissioner Ian Bullis voiced appreciation for Director Bunch's work on this, as it really needed to be done. Chairman Richard Howe entertained a motion to approve. Commissioner Travis Godon made a motion to amend the Performance Management Policy as requested to ensure current and accurate White Pine County Personnel Policies. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF REVISED NON-EXEMPT PERFORMANCE REVIEW FORM TO MAINTAIN CONSISTENCY WITH INDUSTRY STANDARDS

Director Bunch submitted an evaluation form last year, but the verbiage has changed to maintain consistency with the industry standards as he reported. The evaluation is now target-based; you are either above target, below target, or unacceptable. His goal is to make this as easy as possible for Department Heads and still be consistent. He pointed out the differences between exempt and non-exempt, and noted the Board has already been provided the exempt performance review form, at the last Commission meeting. Commissioner Ian Bullis cited that “write-ups” were done as a “Record of Discussion” in his experience; those provide a nice paper trail. Director Bunch noted that accountability is included currently in the policy. Once this is approved and Department Heads are informed of the next policy update, he will meet with the Department Heads to ensure everyone is on board with this. He noted that the key to a successful evaluation is to have sensitive conversations one-on-one. If the problem continues, the process escalates to documented discussions. He advised that due diligence is paramount in this. Commissioner Ian Bullis advised this is part of our commitment to the public; like any other business we would expect good service and performance. Commissioner Laurie Carson felt this was fully outlined, exact explanations were provided, and she felt it was well done. Director Bunch noted that we need to be on target, with consistent timelines, and keeping our fiscal budget timeframe in mind as well as following the process for step increases. Commissioner Ian Bullis made a motion to approve the revised non-exempt Performance Review Form to maintain consistency with industry standards as requested. Commissioner Travis Godon seconded. Motion carried.

ELIZABETH FRANCES, FINANCE DIRECTOR

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO REACTIVATE THE INDUSTRIAL PARK REVIEW BOARD FOLLOWING 10/9/2019 COUNTY COMMISSION APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOA) WITH THE BUREAU OF LAND MANAGEMENT (BLM) REGARDING THE TRANSFER OF LANDS FOR THE INDUSTRIAL PARK EXPANSION

Finance Director Elizabeth Frances advised that she put this on the agenda because we need to have some oversight by either a specific individual or a board; she recommended that the Industrial Park Review Board be re-activated to provide for such oversight. Chairman Richard Howe recalled there were 5 people on that board, but the specific details as to membership were not known at this time. He wants to see if the Commission was on board with this, since a year ago the Commission dispensed with it. District Attorney Mike Wheable noted the BLM is requesting this; we can't set the rules anymore for the Industrial Park, so the Commission would have no authority whatsoever. Chairman Howe noted that when the Review Board was formed the County owned nearly all the land; however at the end we only had 40 acres of it, so the Commission opted to dissolve it as we no longer had the majority. D.A. Wheable pointed out that we can't regain control over properties that weren't in existence when the covenants were written; further, he didn't think the Review Board would have much purpose other than for the BLM. During the discussion, Commissioner Ian Bullis suggested a liaison be selected instead. Deputy District Attorney Bryan Pyle explained that the County signed the MOU with the BLM recently, and it all goes through the D.A.'s Office to review anyway. The CC&Rs (covenants) will be brand new, and he noted it's difficult to come up with people to serve on boards. Director Frances posed several questions: Who will be responsible once we get the land to be surveyed, getting the infrastructure in place, or the CC&Rs? Would those things be assigned to the D.A., the Public Works Director, or who? D.A. Wheable felt an ad hoc committee might be a good idea, just to bring back items to this Commission for approval; he noted ad hoc committees have been successful in the past. Commissioner Travis Godon wants more of a point person to be in place. Commissioner Laurie Carson wants to see a design for streets, lighting, etc. as those items are minimal in the existing Industrial Park. Commissioner Shane Bybee felt we should sell what we already have and then we can figure out the development of roads and infrastructure. Commissioner Ian Bullis pointed out Ms. Donna Bath is working hard to fill up the Park with businesses. There followed some discussion, but Director Frances still has a concern: She sees lots of land coming to the County with no one being charged with the responsibility for it. Commissioner Laurie Carson pointed out that's where the former EDC office came in, but now Ms. Bath can fill that gap. Following further discussion, D.A. Wheable suggested creating a liaison for the Industrial Park Expansion and then the ad hoc team could be formed to explore the best way to develop the area. Ms. Donna Bath, Deputy D.A. Bryan Pyle, and a liaison from the Commission could look into that now and then perhaps a Review Board could come to fruition. Commissioner Ian Bullis offered to help with that, as he's worked with Ms. Bath on this. Per recommendation of D.A. Wheable, Commissioner Laurie Carson made a motion to table this agenda item. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO PROCEED WITH A REQUEST FOR PROPOSAL TO EXPLORE INTERNET ACCESS SERVICE OPTIONS FOR SERVICE TO THE WHITE PINE COUNTY LIBRARY

Director Frances advised this is through the eRate program with the State; she felt it would be beneficial to see what's out there. She noted this will start the process, and added we get significant discounts for eRates. It was noted that the School District is in support of this; Library Director Lori Romero confirmed this. Commissioner Ian Bullis made a motion to proceed with the RFP to explore Internet access service options for service to the White Pine County Library as requested. Commissioner Travis Godon seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF MONTHLY FINANCIAL REPORTS FOR SEPTEMBER 2019

Director Frances indicated the reports are in the backup, if the Board had questions; there were none. Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to approve the monthly financial reports for September 2019. Commissioner Travis Godon seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/RATIFICATION OF CORRESPONDENCE SENT ASKING OUR REPRESENTATIVE TO JOIN HIS PEERS IN SIGNING THE BIPARTISAN LETTER CALLING ON HOUSE LEADERSHIP TO INCLUDE 2 YEARS OF AUTHORIZATION AND FUNDING FOR THE PAYMENTS IN LIEU OF TAXES (PILT) FUNDING AND REAUTHORIZING THE SECURE RURAL SCHOOLS (SRS) PROGRAM

Chairman Richard Howe cited the letter addressed to Congressman Hornsberg; he explained that he had replied with interest in this matter. This agenda item is to ratify the letter sent on Chairman Howe's behalf. Commissioner Ian Bullis made a motion to ratify the correspondence sent asking our representative to join his peers in signing the bipartisan letter calling on House leadership to include 2 years of authorization and funding for PILT and reauthorizing the SRS program. Commissioner Travis Godon seconded. Motion carried.

Richard Howe, Chairman
Travis Godon, Vice Chairman
Commissioner Shane Bybee
Commissioner Ian Bullis
Commissioner Laurie L. Carson

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Nichole Baldwin, Es-officio Clerk of the Board

White Pine County
Board of County Commissioners

WPClerk@whitepinencounty.gov

Resolution Number 2019-51

Resolution to utilize \$1,728 from contingency to cover the cost of an additional E-Poll book and laptop for elections necessitated by the passage of Assembly Bill 345

Whereas, during the last legislative session Assembly Bill 345 (AB345) was passed requiring counties to provide certain procedures to allow for same-day voter registration; and

Whereas, this new requirement will necessitate that there is an additional E-Poll book and laptop available for elections which are estimated at \$1,728; and

Whereas, the discussion during the fiscal year 2020 budget process was that if AB345 passed the necessary equipment would be provided through contingency; and

Whereas, there is \$223,650 in contingency available to cover this cost

Now Therefore Be It Resolved that White Pine County shall utilize \$1,728 from contingency (001-801-56101-000) to cover the cost of the E-Poll book and laptop required by the Elections Department and increase line item (001-108-52143-000).

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

Passed, adopted and approved the 23rd day of October, 2019.

Ayes: 5
Nays: 8
Absent: 8


Richard Howe, Chairman of the Board

ATTEST:


Nichole Baldwin, Clerk of the Board

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF RESOLUTION 2019-51 TO UTILIZE \$1,718 FROM CONTINGENCY TO COVER THE COST OF AN ADDITIONAL E-POLL BOOK AND LAPTOP FOR ELECTIONS NECESSITATED BY THE PASSAGE OF ASSEMBLY BILL 345

Director Frances advised this had been discussed during the budget process; she noted that if this passes, WPC Clerk Nichole Baldwin will have what she needs per requirement of AB345. She noted that it's to accommodate "same day voting registration" so people can register and vote at the same time. The book will be located closer to where the Counting Board sits; there will be a booth for same day registrants, which the Elections Clerk, Melissa Tremain, will be in charge of running. Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to approve Resolution 2019-51 to utilize \$1,718 from contingency to cover the cost of an additional e-Poll book and laptop for elections due to the passage of AB345. Commissioner Travis Godon seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO AWARD ENGINEERING SERVICES ON THE BAKER MULTI-USE PATH PURSUANT TO RECOMMENDATIONS FROM THE COMMITTEE EVALUATING THE SUBMISSIONS RECEIVED FROM THE REQUEST FOR STATEMENT OF QUALIFICATIONS PROCESS REQUIRED BY THE NEVADA DEPT. OF TRANSPORTATION

Director Frances indicated no one had submitted for these Engineering services; NDOT has recommended re-advertising for this. She will re-advertise and there is no action required for this agenda item.

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

Chairman Richard Howe entertained a motion for approval. Commissioner Ian Bullis made a motion to approve the Consent Agenda as presented. Commissioner Laurie Carson seconded. Motion carried.

UNTIMED ITEMS

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO CLOSE STATE ROUTE 318 ON SUNDAY, MAY 17, 2020 AND SUNDAY, SEPTEMBER 20, 2020 FOR THE SILVER STATE CLASSIC CHALLENGE

Chairman Richard Howe entertained a motion for approval. Commissioner Laurie Carson made a motion to approve closure of State Route 318 on Sunday, May 17, 2020 and Sunday, September 20, 2020 for the Silver State Classic Challenge. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO CLOSE STATE ROUTE 490 FOR 5 HOURS ON MAY 15 AND 16, 2020 AND ON SEPTEMBER 18 AND 19, 2020 FOR THE SHOOTOUT CHALLENGE

Chairman Richard Howe entertained a motion to approve. Commissioner Ian Bullis made a motion to close State Route 490 for 5 hours on May 15 and 16, 2020 and on September 18 and 19, 2020, for the Shootout Challenge as requested. Commissioner Laurie Carson seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO DONATE TO THE WHITE PINE COUNTY HOSPITAL DISTRICT COUNTY-OWNED REAL PROPERTY APN'S 002-161-05, 002-161-06, 002-161-07, AND 002-161-08, LOCATED GENERALLY ON PARK AVENUE INBETWEEN 15TH ST. E AND 16TH ST. E IN ELY, NEVADA, FOR THE PURPOSE OF BUILDING HOUSING FOR WILLIAM BEE RIRIE HOSPITAL'S RESIDENT PROGRAM AND FOR HOUSING OTHER HOSPITAL EMPLOYEES

Mr. Matt Walker, CEO of WBR Hospital, advised they are seeking a placeholder for this property; they're looking to start a residency program here in Ely. Students would do their 1st year of residency in Reno, and then their 2nd and 3rd year would be done here in White Pine County. He continued that they would need 4 houses for that program alone; there's a housing shortage here in Ely, and the Hospital has a difficult time getting people to stay here. They could build 12 properties on the land, which would house up to at least 12 medical professionals, who would move their families here to live. They are currently obtaining bids for building; he explained that a "placeholder" would help reserve a spot if there's a plan in the near future to do this. He added they could bring more people into our area. Commissioner Travis Godon pointed out we would have the right of first refusal. In reply to a query from Commissioner Shane Bybee, CEO Walker advised this would take a year for them to look into everything and by then they would know for certain if it would be feasible. He added this would involve from 4-12 houses. Commissioner

Laurie Carson agreed the County is in desperate need of housing; she asked if more than 1 individual would be going into a house? The reply was yes, in order to maximize the available residences. It was emphasized that some medical professionals are single, some have families, so that's why they're looking at different sizes of houses. Chairman Richard Howe felt this would be in line with increasing housing opportunities here in the County, and he's fine with this; the Board agreed. Commissioner Shane Bybee noted that recruiting for business is contingent upon housing, and the Hospital is taking this step. If some of our larger employers would follow this example, it would be very beneficial. District Attorney Mike Wheable noted there are some individuals who are utilizing other residences, so once the Hospital residents move in that would open up other housing in the County. Following legal advice, Commissioner Shane Bybee made a motion to approve donating to the White Pine County Hospital District the County-owned real property as specified in the agenda title for the purpose of building housing for the Hospital's residency program and for housing other Hospital employees, contingent upon approval of the plan during the next 12 months. Commissioner Ian Bullis seconded. Motion carried.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL OF MINUTES FROM THE FOLLOWING COUNTY COMMISSION MEETINGS ON:

Special Joint October 9
October 9

Commissioner Laurie Carson noted a correction on the Special Joint October 9 set of minutes. Chairman Richard Howe entertained a motion to approve. Commissioner Shane Bybee made a motion to approve the minutes from the Special Joint October 9 meeting as amended, and the October 9 regular Commission minutes as presented. Commissioner Ian Bullis seconded. Motion carried.

PUBLIC COMMENT


Human Resources Director Tim Bunch advised of an update on the flu POD figures: There were 626 immunizations actually given; we received 650 vaccines but 23 of those were wasted due to the way they were drawn from the vials, and 1 was administered out at the Ely State Prison. The Hospital vaccinated 56 people in the first 37 minutes; and the Learning Bridge Charter School had 47 children and 3 adults vaccinated.

ADJOURNMENT

At 12:03 p.m., Commissioner Ian Bullis made a motion to adjourn. Commissioner Travis Godon seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF WHITE PINE
STATE OF NEVADA

BY:



CHAIRMAN

ATTEST:



CLERK OF THE BOARD