

**IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION & A SPECIAL JOINT MEETING WITH THE WHITE PINE COUNTY FIRE COMMISSION HELD ON JANUARY 27, 2021 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 (via Zoom)  
Shane Bybee, Commissioner  
Laurie L. Carson, Commissioner  
Nichole Baldwin, Clerk of the Board

County Officials:

Tim Bunch, Human Resources Director  
Sheriff Scott Henriod  
Bill Calderwood, Public Works Director  
Brett North, WPCFD Fire Chief  
Elizabeth Frances, Finance Director  
Mike Johnson, IT Specialist  
Mike Wheable, District Attorney  
Bryan Pyle, Deputy DA  
James Beecher, Chief Deputy DA  
McKenzie Hilton, Deputy DA  
Elanie Eldridge, Chief Deputy Finance Dir.

Also Present:

Donna Bath, Silver Lion Farms  
George Chachas, George Town Media  
Luigi Resta, WhitePine Water Power LLC  
Matt Shapiro, WhitePine Water Power LLC  
Frederick Partey, KGHM Robinson Mine  
Pat Stork, Ely Fire Chief  
B.J. Almberg, Basin Engineering  
Michelle Beecher, City of Ely

Present via Zoom:

Geri Wopschall, Burton Hilton (WPC Assessor), Catherine Bakaric (WPC Treasurer), Gary Perea, JOIN Office, Marietta Henry, Caroline McIntosh, Jared Bybee (BLM), Mary Kerner, Tabatha Hamilton (Finance Office/EMS), Michelle Beecher (City of Ely), Bethany Coca (Finance Office), Jennifer Lee (City of Ely), Heath Korell, Lori Romero (Library Director), Jasmine Klieber, Gage Zobell, Holly Miller, Kristy Rozich (Aquatic Center Director), Chad Atkinson (Hinton Burdick), Mattie Jensen (DA's Office), Cody Coombs (BLM), and others.

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Chairman Richard Howe called the meeting to order at 9:03 a.m. County Clerk Nichole Baldwin led the Pledge of Allegiance.

**MOMENT OF SILENCE/SILENT INVOCATION**

This was duly observed.

**PUBLIC COMMENT**

George Chachas stated that he has not received responses for the numerous items he brought forward. He hasn't seen evidence that Western Oil has complied with agreements put in place. They are using tax payer's money and they cannot do that as NRS is specific about that. He further stated that the County is not enforcing ordinances where Western Oil

is failing to maintain public roadways. He wanted to know why the County treats those carpetbaggers with kit gloves while the Building Inspector continues to deny him a building permit he is prepared to pay for and why the County continues to allow selective and discriminatory practices? He brought up item 2B2c to appoint James S. Beecher as the new District Attorney; the County needs to advertise. Mr. Chachas noted too much nepotism occurring in the County; the good ole boy system needs broken up and he demanded equal protection under the law. Mr. Chachas noted item 2B1b and advised that the parcels should go to tax sale to allow someone to buy them and clean them up. He stated that he is against selling water rights! He further stated that he is against what is on page 5 of the backup for item 1B1; a right to lodge protests with State Water Engineer and oppose any applications or filings which could potentially kill growth in that area. The purchase of those water rights for \$225,000 is much too low and the County should not sell them. He noted he has not seen benefits to the County from the pumped storage project. He asked if they will build new homes to try to fix the housing shortage? He started talking about power and time was called.

Gary Perea via Zoom expressed that he was saddened by District Attorney Mike Wheable's retirement and added that it is a loss to lose him.

Commission Vice Chairman Travis Godon advised the room that he and Chairman Richard Howe went to Eureka last Wednesday whom signed on to a resolution like our Resolution 2020-76. DA Mike Wheable added that he is getting calls about that from across the state; we are taking the lead on that issue. Chairman Howe noted that he got a call from Storey County who will do the same thing. He added that it is time to stop the shut down and keep our economic engine going. Commissioner Laurie Carson also spoke with Storey County and their manager; she asked for a copy of what they will be approving in case we need to get into more detail.

Mr. George Chachas complained he cannot hear what was being said and IT was asked to fix the microphones.

## **B. 9:30 A.M. WHITE PINE WATERPOWER, LLC**

**1) Discussion Only: Present overview of the White Pine Waterpower, LLC ("WPW") pumped storage hydropower project; review current draft of the Water Use and Option to Purchase Agreement ("Agreement") between WPW and White Pine County; and discuss statutory requirements per NRS 533.550 and NRS 244.2795 for final approval of Agreement. Luigi Resta, President, & Matthew Shapiro, CEO (White Pine Waterpower)**

Luigi Resta and Matt Shapiro updated the Board that the project is moving forward really well and noted how the team has grown and mentioned Brett Burgess who manages permitting, and Gage Zoebel on Zoom who has helped with the agreement. Mr. Resta explained that they have been digging into preliminary environmental and recognizance engineering by taking geotech boring samples at the site. He is hoping that work can begin in the spring. They have selected a driller and engineer to oversee that drilling which will entail three drilled bore holes on BLM property for a total of 5,000 linear feet of core samples; this will put people in the community to work. This is a long duration development and construction project with an even longer life investment. He restated that this is a part of the community. He noted that they are anticipating construction starting in 2024 or 2025 and planned to supply 25-26 permanent employees locally. Mr. Shapiro added that they are in

good discussions with the railroad and the City of Ely on a working agreement concerning a section of railroad that needs to be realigned. Everything is aligning and moving forward and they have not found anything of great concern. Their internal organization is about 15 people almost working full time to ensure the success of this project. He noted several agreements to make sure everything they are doing is following the law.

In regards to water rights, the mine had the rights in question and was paying \$50,000 per year for 24,000 acre feet to the county. Mr. Resta plans to pay the county the \$50,000 annually during the development period. He explained that the first phase is the license for twelve years for two permits of water equaling 24,000 acre feet, but they only need 5,000 acre feet. What they have in the agreement is approximately 8,200 acre feet of water for the license period. During that time they will pay the county \$50,000 year, but will not be using water during the first 5 years. During the construction phase, water will be used for construction purposes. At the end of that, they will take the water rights of 5,000 acre feet to fill the lower reservoir. He noted a provision to pay an additional draw above the 5,000 acre feet up to the 8,200 as established by the two permits. DA Wheable advised the Board that he has been working closely with these individuals and they are ready to move forward. Mr. Resta continued that the second phase includes the need for 750 acre feet of water. This project moves water from a lower reservoir to an upper reservoir and back causing water loss due to evaporation. The 750 acre feet is purchased for the perpetuity of ongoing operations. He explained that by statute, an appraisal needed to be done to determine the value of the water and that was done and paid for by the county; the \$225,000 figure is the appraised value. They included in the agreement that the purchase can only happen as long as that water is used for its intended purpose; they cannot buy and sell the water rights for profit. The next Commission meeting will have action item and the public was notified. They are trying to lay the groundwork before they enter into a serious long term agreement. In response to an inquiry from Commissioner Carson, Mr. Resta explained that he is working with BLM and have submitted a 2920 exploration permit for three drill sites: the lower reservoir, the access tunnel to the underground powerhouse, and on top of a hill accessed off of Duck Creek. These sites are GPS specific to where they need to drill to get samples. He further explained that they need to be on the east side of the railroad to accomplish this. The BLM is ensuring that no sensitive habitat or environmental issues will hinder the drilling.

Commissioner Carson noted the patent that the City has in regards to the rail line. Per Mr. Resta, that is a different issue. They will cross the railroad at a designated crossing and for a couple of months, water trucks will be using that and they will have to refurbish the areas that were drilled. Mr. Resta and Mr. Shapiro will be at the City Council meeting tomorrow night in regards to an MOU between the city, the railroad, and this project to help with the realignment of the railroad and to ensure the City and railroad are kept whole. He assured the Board that they are sensitive to that issue as the City owns that road. He met with the BLM regarding the process and procedure to effectively do a land swap to ensure that the amount of acreage the City owns along that right of way remains the same. Commissioner Bybee commented about being hit up by his constituents about selling county water rights; he clarified that this 25,000 acre feet of water was set aside for economic development years ago and the sole purpose of these rights were to bring in projects like this. Selling these rights fits with the original intent. Commissioner Carson noted the intent was specific to energy. Commissioner Godon added that we will be left with 24,000 plus acre

feet after the initial 750 is gone, which is a great return on investment. Public Works Director Calderwood advised the Board that he needs to start the process of a road assistance agreement to work out the impact and what that means and that will come before the Board in the future. Mr. Resta met with the Building Inspector regarding that agreement Director Calderwood mentioned and at the time, it wasn't needed, but he planned to bear the cost associated with road impacts and he's ok with entering into an agreement at this time. Chairman Howe felt this project will benefit White Pine County and he noted that our water rights need to be used for beneficial purposes like this project. Chairman Howe introduced them to the new District Attorney, James Beecher. The Chairman wanted to ensure everything is done correctly. DA Wheable advised that the Board cannot vote today, but their approval was expressed; it was defacto approved. Mr. Resta added that they are on the City Council agenda tomorrow for a special use permit.

### **10:00 A.M. UPDATE FROM SILVER LION FARMS**

#### **1) Discussion/Update: on operation at Silver Lion Farms. Donna Bath**

Donna Bath, Director of Community Relations and Special Projects for Silver Lion Farms, thanked District Attorney Mike Wheable and Deputy District Attorney Bryan Pyle for their work and dedication. She read off of a PowerPoint presentation that was displayed in the room. Silver Lion Farms is building a hemp based sustainable ecosystem here in Nevada. Leadership is comprised of Gian Khalsa, founder and president, John Paul DeJoria, founding investor, and CEO Bob Kurilko. Hemp is about science, business, health, and sustainability with 100% of the plant being used for consumer products. CBD is reshaping health and well-being and can replace petroleum as a fuel. Hemp has many uses such as oil and extracts, food products, and more. Nevada does not have the ability to provide businesses who serve food with CBD and she noted a BDR in place for the upcoming legislative session to change that to bring more business and industry into Nevada and White Pine County. In 2019, they began with breaking ground for the 400,000 square foot energy efficient Certhon glass and steel greenhouse. This was expanded from the original plan. This is a state of the art research and extraction facility. Their hemp fields are certified organic by the USDA and are capable of 200,000 lbs of output. She described the growing process and how plants are moved from room to room depending on the growth phase. Hemp derived extracts are used for food, beverage, health, beauty, pets, and agriculture and are currently top selling products across the US. In regards to taxation, in 2019 they paid \$90,000 in payroll and associated taxes. In 2020, they paid up to \$260,000. Silver Lion Farms paid \$200,000 in property tax in 2020 and in 2021 they will pay an additional \$80,000 in personal property tax. In 2020, they employed 20-40 employees. In 2021, they plan to employ up to 40-51 employees. She showed some photos to show the process of growing the plants. A machine digs a hole, plants the seed and gives it a vitamin shot and is able to plant seeds at the proper distance. She explained that they experienced some damage from an early frost and have had experienced challenges with elk herds. To mitigate these losses, they have made adjustments and began using a new seed with an earlier flowering period. Their greenhouse is made from Dutch materials, which present its own difficulties. They are working with local the Fire District and have a fire station with employees being trained as EMTs. This shows that they are trying to integrate into the community. She stated she is sad to see the Building Inspector go, but they plan to build new relationships with his replacement. She noted a change in the roof design that will



protect the plants from the sun and reduce the weight of snow accumulation with the help of heaters. Mrs. Bath wanted the Board to come out for a visit as she felt this business can help stabilize the local economy. Silver Lion Farms are working toward creating the largest scale extraction facility in the western US. It was noted that Tracy Saville is no longer on the management team, but is a stock holder. Chairman Howe welcomed the revenue and the increase in taxes. The extraction facility will employ even more employees when that gets going and they are looking to add solar power abilities out there. They are located at the end of the service area with Mt. Wheeler Power and are having a hard time figuring out how to get power there to expand. Currently they are allocated three megs of power and will need 20-40 megs depending on expansion. The Victoria Mine that is coming on in Elko County is in the Mt. Wheeler Power service area and they will need more power as well. Silver Lion Farms spends a lot of money on propane to heat the greenhouses. She is proud to be on this team. In spite of COVID and the weather, they are still going strong. Commissioner Bullis, via Zoom, inquired as to the farm bringing in manufacturers that create the products using what they produce. In response, Mrs. Bath stated that they are working toward that and noted the current law that prohibits manufacturing food products with CBD. The BDR to combat that is being brought forward by Senator Goicoechea. It is slow coming out and she is hoping for support given the economic state of Nevada. There is a huge benefit to bring those manufacturers here. The Board thanked her for her time.

Chairman Richard Howe called a break at 10:29 am. The meeting was back in session at 10:43 am.

**The Chairman temporarily recessed the regular County Commission Meeting for a special joint meeting with the White Pine County Fire Commission.**

**D. 10:30 A.M. SPECIAL JOINT COUNTY COMMISSION & FIRE COMMISSION MEETING**

**PUBLIC COMMENT**

There was none.

**\*1) Discussion/for Possible Action: Approval of the Fiscal Year 2020 Comprehensive Annual Financial Report for White Pine County and the White Pine County Fire Protection District. Elizabeth Frances, Finance Director; Chad Atkinson, CPA, Partner, Hinton Burdick CPAs and Advisors**

Finance Director Elizabeth Frances introduced Chad Atkinson from Hinton Burdick via Zoom, partner in charge at Hinton Burdick. Mr. Atkinson presented a slideshow to the Board. He thanked county staff and mentioned that they have been good to work with. He noted software conversions that occurred last year in the county which resulted in the request for an extension and the audit presentation being later than normal. The extension was granted until 1/31/2021 and with approval from today, audit reports will be submitted to the Nevada Department of Taxation. He noted page 13 in the packet which was an unmodified opinion on financial statements, which presents no problems or issues with independent audit report. Page 175 is about internal controls; he noted a delay on bank reconciliations and because of that, they issued a control finding with details found on page

188. Page 191 is the corrective action plan in regards to that material weakness in internal controls. The county is now in the process of catching up bank reconciliations. Page 177 is the report on compliance and administrative code and NRS, in which there were no instances of noncompliance. Page 185 is the report on compliance with federal programs. He tested a grant program and found no problems. Mr. Atkinson explained that White Pine County had a low risk status in 2020. Because of the material weakness previously mentioned, the county will be moved to a medium risk status in 2021 and 2022, and in 2023 we can be moved back to low risk if that issue is addressed going forward. Page 30 is the statement of operations of governmental funds. He mentioned an increase in fund balance over \$1,000,000, grant funds had a reduction, and the SB74 fund had major activity including an increase of \$138,245; overall, funds improved from the previous year.

Page 116 and 88 are for the Fire District. Fund balance there is \$2.4 million with \$1 million set aside for catastrophic events, and \$4 million for public safety. Assets minus liabilities equal fund balance or net position, as Mr. Atkinson explained. He proceeded to discuss a general fund trend over the last 5 years for the county. Fund balance is \$8 million set aside for net proceeds mitigation. An unassigned fund balance of \$6.8 million is down slightly and that represents 7 months of operating reserves. The internal goal is to keep 3 months of operating reserves and this amount is for 7 months. The assigned fund balance of \$1.5 million is for future budgets (FY2021). The non-spendable fund balance of \$145,000 are resources already used. The SB74 fund had a lot of activity including an increase from \$15.5 million to \$15.6 million for the Justice Center Project. To cover things the county is doing, he noted the jail expansion and courthouse fund had \$9.2 million in additions in 2020 with \$4 million in progress at year end. The project is a \$34 million project with \$5 million from the state, the sales tax that funds it, and the remaining amount funded by net proceeds mitigation. He mentioned the runway phase 3 project at Yelland Field that experienced \$585,000 in additions in 2020; when completed in 2020, it ended up being an \$8.5 million project. The airport taxiway and runway projects were mostly paid for with grants with the majority of capital improvement funds provided by the FAA. McGill Park had \$646,000 in additions last FY with \$705,000 by year end; this was 100% funded by a recreation resource management grant. Cash and investment balances for the county was increased to \$56,425,000 this last FY. Mr. Atkinson thanked the Board and the Board thanked him. Commission Vice Chairman Godon moved for approval of the audit report and Commissioner Bybee made the second. The motion passed.

**\*2) Discussion/for Possible Action: Approval of the Corrective Action Plan for FY2020 audit finding. Elizabeth Frances, Finance Director**

Finance Director Frances noted page 191 and further explained that she hired a CPA to assist the Treasurer's Office to reconcile August thru December 2019. That has been completed and the Treasurer is now working on 2021. She added that procedures have been put in place to notify the audit committee anytime a bank account is not reconciled as per policy (within 3 months). She noted a meeting with the Audit Committee this morning that included the implementation of amended protocols to include those changes. Commissioner Carson moved to approve the corrective action plan and Commission Godon made the second. Motion passed.

**\*3) Discussion/for Possible Action: Approval of counterproposal to City of Ely for FY2022 Fire/EMS services. Mike Wheable, DA; Elizabeth Frances, Finance Director**

District Attorney Mike Wheable advised the Board that he had informally met with representatives from the City of Ely to reevaluate the relationship and costs for fire and EMS services. He had asked for documentation and provided them some in regards to revenues and expenses. At this time the city is asking for \$200,000 in addition to what we currently pay. He explained that we're working to identify the basis for that request. The city provided a list and he believed that we need to analyze this information before we can make a recommendation on a path forward. The proposal before the Board today might not be satisfactory to the city, so another meeting needs to be held. The Board is free to make a motion today if they want, but he recommended a motion to table. The city provided a letter that they may back out of the current agreement in 2022, which was something they had to do. The backup they provided noted increases in personnel costs, but he does not feel we have enough information at this time to make a decision. Director Frances felt further investigation is a good idea. Both Fire Chiefs were present at the meeting and it was noted that the current relationship is working and service has never been better, but this is about finances and costs and the ability for the city to move forward being fiscally responsible. Commission Vice Chairman Godon moved to table this item and Commission Bybee seconded the motion. The item was tabled.

**PUBLIC COMMENT**

There was none.

**The Chairman adjourned the special joint meeting with the White Pine County Fire Commission and reconvened the Regular County Commission meeting at 11:10 am.**

**E. 11:00 A.M. AG DISTRICT 13/FAIR & RODEO BOARD**

**\*1) Discussion/For Possible Action: Approval to fill the vacant seat on the Ag District 13/Fair & Rodeo Board with one of two applicants:**

- **Tabatha Hamilton**
- **James Linney**

Commissioner Travis Godon stated he will be abstaining from discussion and voting on this item as he is a good friend of James Linney. Tabatha Hamilton was allowed to address the Board first via Zoom. She advised the Board that she works in EDC for the county and was born and raised here. She participated in High School Rodeo and 4-H during her adolescence. She mentioned that she uses the facilities overseen by the Ag District 13 Board frequently and has a horse at the fairgrounds. The oversight of these facilities are important to her and she would not take her duties lightly. She can help with the oversight as she is there daily to care for her horse and can bring a first-hand perspective to that board. Ms. Hamilton was a secretary for this board for over a year and never missed a meeting. During that time she developed knowledge about this board and its history. She knows the board is experiencing issues with members not showing up. Her schedule compliments the Ag 13 District board's schedule. Ms. Hamilton thanked the Board and asked to be chosen for the vacancy.

James Linney was present in the room and he advised the Board that he is here because a board member encouraged him to get involved. Agriculture is a big thing for him. He works in banking now, but was strongly encouraged to get involved in the community. He explained simply that he wants to put on events in White Pine County. He appreciated the Board's consideration.

Commissioner Carson moved to appoint Tabatha Hamilton. Commissioner Bullis seconded the motion via Zoom and the motion passed with a vote of 4:0 with 1 abstention.

**2. ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS:**

**A. COUNTY COMMISSION**

**1. Chairman Richard Howe**

**\*a) Discussion/For Possible Action: Approval of Certificates of Recognition for Christine Ricci, Michael Wheable, and Bryan Pyle**

Chairman Richard Howe stated that we are losing three very valuable members of the community and he recognized their contributions. He wanted to recognize these three people with these certificates. The certificates were passed around and the Board posed for pictures with Mr. Wheable and Mr. Pyle. The Chairman read the certificates in the meeting. Commissioner Godon moved for approval and Commissioner Bybee made the second. The motion passed.

**2. Commissioner Laurie L. Carson**

**\*a) Discussion/For Possible Action: Approval to Prepare and Publish Request for Proposals for Information Technology Managed Services for White Pine County Based on Existing or Alternative Delivery of Service Method**

Commissioner Carson noted this was on the last agenda and she was puzzled why no one made a motion. She brought it back because this is something we do regularly just like for insurance to see if we can get a better deal or better service; it is practicing due diligence. Commissioner Carson made the motion to approve this item. Commissioner Godon wanted discussion on why this is needed. Commissioner Carson talked to department heads who felt like it was time. Commissioner Bybee felt the relationship we've had with Business Continuity Technologies (BCT) has been exemplary. He mentioned a couple of years that were tough and BCT came through. Given our current relationship, he didn't feel the need. Commissioner Carson was here when BCT was first hired and they've worked out well, but this is a smart thing to do. Via zoom, Commissioner Bullis commented on the comprehensive service they've provided is not like buying a new car; BCT has gone above and beyond. He would feel cheap about thanking them for that by looking to see if we can get a better deal. He further stated that we get what we pay for and could save money, but felt BCT is doing a great job. Finance Director Elizabeth Frances explained that the reason is because we are on our third IT engineer with BCT and that has been turned over and the new one is being trained on our systems. If we are training someone new, we might as well re-look at our options. There is a separate contract with BCT for the Justice Center, which will not be impacted by this action. Due diligence shows we are properly evaluating options for our services. Commissioner Carson was not talking about money, but agreed with Director Frances about the reasons it should be brought back to show we are being prudent with our



funds and to get the biggest bang for our buck. Commissioner Godon seconded the motion. The motion passed with a vote of 3 to 2 with Commissioners Bybee and Bullis voting no.

**B. ELECTED OFFICIALS**

**1. Catherine Bakaric, Treasurer**

**\*a) Discussion/For Possible Action: Direction to conduct title searches for Treasurer as Trustee parcels to be auctioned in 2021**

Treasurer Catherine Bakaric appeared via Zoom and advised that she had received a letter from the County Clerk regarding the title searches for the parcels to be auctioned in 2021.

These meeting minutes in particular, you can see this is the beginning of the musical chair playing amongst all of these attorneys that were involved in this covert scheme to reposition themselves after realizing the laws that've already been desecrated up unto this point, respective to public official restrictions, the collusion, and conflict of interests, as summoned in the following Nevada State Legislative Chapters: [CHAPTER 281A - ETHICS IN GOVERNMENT](#) and [CHAPTER 252 - DISTRICT ATTORNEYS](#). This is respective to the Opioid Lawsuit initiative to plot a forthcoming opportunistic litigation proceeding against members of our very own public (without due process and void of real investigatory probable cause but only an "opportunity"). At this juncture, negotiations between DA Wheable and the suggested Law Firm Eglet Adams Law, was already made and well established. It looks like Attorney Pyle is the only one that wanted nothing to do with this and consequently left.

**2. Mike Wheable, District Attorney**

**a) Discussion Only: regarding a Nevada OSHA Complaint filed against Commissioner Ian Bullis dated January 6, 2021**

District Attorney Mike Wheable confirmed the complaint was posted in the courthouse. He explained that we received an OSHA complaint and it is in the backup along with a reply letter based on facts alleged. Since receiving that complaint, Commissioner Bullis has decided to attend meetings via Zoom to avoid further entanglement with OSHA. DA Wheable advised that his legal counsel would include a follow-up letter, investigation, letter, and a fine from the state. He has not seen anything statewide where public agencies are being fined, however these are consequences to our actions and are of no surprise. Chairman Howe stated that Commissioner Bullis has taken steps for corrective action and he appreciated what Commissioner Bullis is doing. From Zoom, Commissioner Bullis made it clear this is in no way a concession on his part on the legality of this; he loves the Board and does not want to create a mess. He noted the resolution (2020-76) and felt we would win if we had to fight this, but felt this was a fair compromise.

**\*b) Discussion/For Possible Action: Approval to accept the resignation by Michael A. Wheable, Esq. as White Pine County District Attorney effective February 1, 2021 at midnight**

Chairman Richard Howe stated that he will reluctantly accept this. Human Resources Director Tim Bunch advised that we may need to talk about changing the date of the DA's resignation, but it was noted as correct per the DA. Commissioner Bybee expressed that he was sad to see him go and added that in the time he worked with Mr. Wheable, he had gone over and above what was expected and took a personal interest in the affairs of the county.

and sent him with deep gratitude and congratulations. The Board echoed Commissioner Bybee's comments. Commissioner Bullis reluctantly made the motion to accept the resignation and Commissioner Bybee made the second. Motion passed.

**\*c) Discussion/For Possible Action to appoint James S. Beecher, Esq. as White Pine County District Attorney, to fill the remainder of term vacated by DA Wheable, effective February 2, 2021, at 12am, or to advertise and release an RFQ to recruit applicants for consideration and appointment of District Attorney**

Commissioner Bybee disclosed that his daughter is employed in District Attorney's office, but after discussion, his decision and participation in this item will have no greater or lesser effect on his daughter than anyone else. Chairman Howe did not feel we need to go out for an RFQ and he asked for a motion to appoint James S. Beecher to fill the remainder of the term vacated by DA Wheable. District Attorney Wheable endorsed Mr. Beecher in his letter and he added that upon his election, the first thing he did was hire Mr. Beecher who has been by his side for good and bad. Mr. Beecher has the institutional knowledge and intellect. We will need an aggressive backbone and there is no one better. Commissioner Carson agreed and made the motion to appoint James S. Beecher to be next District Attorney. Commissioner Godon made the second. Commissioner Bybee added that this takes the sting out of losing Mike Wheable and added that Mr. Beecher will make for a smooth transition. Motion passed.

**\*d) Discussion/For Possible Action to approve pay scale, (step and salary schedule) for exempt District Attorney Staff (Chief Deputy District Attorney, Deputy District Attorney, Deputy Civil Attorney, grant funded Deputy District Attorney, etc)**

DA Wheable passed out the payscale and Finance Director Frances explained how it was created with the current level rate of pay and how each scale provided the 15% increment based on a 15% increase in wages approved by the Commission in FY 19-20. Everyone was bumped up and this incorporated the increase. This had extended 2 steps to provide for longevity incentive allowing for 10 years to hit the top. Commissioner Bybee moved for approval of this item effective immediately. Commission Carson made the second and the motion passed.

**\*e) Discussion/For Possible action: Approval to allow the District Attorney to advertise, recruit and/or appoint replacement Deputy District Attorney I (Criminal) and Deputy District Attorney Civil**

DA Wheable explained that Deputy District Attorney Bryan Pyle is also leaving so they need to recruit to fill those vacancies. Commissioner Godon moved for approval of this item. Commissioner Bybee made the second and the motion passed.

**\*f) Discussion for possible action to approve the District Attorney's appointment of a new Chief Deputy District Attorney, McKinzie Hilton, Esq. at step 1 on the DA Exempt compensation pay scale, effective February 2, 2021**

DA Wheable wanted services to continue uninterrupted and Mr. Beecher made this decision to select McKenzie Hilton as his Chief Deputy and this is endorsed by DA Wheable. Commissioner Godon moved to appoint Ms. Hilton as the Chief Deputy District Attorney. Commissioner Carson made the second and the motion passed.

**3. Sheriff Scott Henriod**

**\*a) Discussion/For Possible Action: Approval of In Custody Death Report for the White Pine County Public Safety Building Jail Facility for the period of October 1, 2020 thru December 31, 2020**

Sheriff Scott Henriod asked for approval of the report showing no deaths. Commissioner Godon moved for approval and Commissioner Carson seconded the motion, which passed.

**4. Nichole Baldwin, County Clerk**

**\*a) Discussion/For Possible Action: Approval of the request for reappointment from Jill Ward to the Local Emergency Planning Committee representing local environmental**

Commissioner Bybee moved to reappoint Jill Ward and Commissioner Carson seconded the motion, which passed.

**\*b) Discussion/For Possible Action: Approval of the request for resignation from Timothy Bunch from the Local Emergency Planning Committee representing EMS**

Commissioner Godon made the motion to accept the resignation and Commissioner Carson seconded the motion, which passed.

**\*c) Discussion/For Possible Action: Approval/Ratification of the amended Bylaws of the White Pine County Local Emergency Planning Committee**

Commissioner Carson noted this was to give tools, clarify, and update bylaws for LEPC. Tabatha Hamilton, secretary for LEPC via Zoom, advised the Board that she was having issues with having a quorum and reviewed what positions were necessary per the state. She noted the last page and how it was changed to introduce non-voting members who will not affect the quorum. Commissioner Carson added that these changes are a good idea and she made the motion to approve the amended bylaws. Commissioner Bybee made the second and the motion passed.

**C. DEPARTMENT HEADS**

**1. Bill Calderwood, Public Works Director**

**\*a) Discussion/For Possible Action: Approval to award a contract to TSK in an amount not to exceed \$75,000.00 for the structural evaluation of the historical courthouse**

Public Works Director Calderwood noted the contract was approved by the District Attorney prior to the meeting. TSK had moved forward in good faith to inspect the courthouse and has been doing so in the last week. Commissioner Godon moved for approval and Commissioner Bybee seconded the motion, which passed.

**2. Tim Bunch, Human Resources Director**

**\*a) Discussion/For Possible Action: Approval to appoint White Pine County representatives Elizabeth Frances, Finance Director; Timothy Bunch, Human Resources Director; and a member of the District Attorney's Office appointed by that office for negotiations with the International Union of Operating Engineers, Local #3**

Human Resources Director Tim Bunch noted the notice of intent to negotiate from the Union and looked for approval for those negotiating members. Commissioner Carson asked the District Attorney about a statutory exception to the Open Meeting Law concerning members to boards appointed by the Commission. This is exception from OML as per the DA. Commissioner Bybee moved for approval and Commissioner Godon seconded the motion, which passed.

**b) Discussion Only: regarding the distribution of Department Head evaluation forms in support of WPC Personnel Policy 10.2.4**

Director Bunch handed out evaluation forms for each Commissioner with directions and had asked for timely returns by the date in their paperwork.

**\*c) Discussion/For Possible Action: Approval of an amended Case Manager job description to maintain accuracy and up-to-date status**

Director Bunch wanted to make sure this job description was current and noted it was amended with help from Social Services Director Desiree Barnson. Commissioner Godon moved for approval and Commissioner Carson made the second. Motion passed.

**3. Elizabeth Frances, Finance Director**

**\*a) Discussion/For Possible Action: Approval of quarterly grant reports**

Commissioner Carson moved for approval and Commissioner Godon seconded the motion, which passed.

**\*b) Discussion/for Possible Action: Approval of Resolution 2021-06 to augment the Regional Transportation beginning fund balance by \$20,000 to provide for the required match for the Transportation Alternatives Program grant (Baker Multi-Use Trail)**

Finance Director Elizabeth Frances advised that the Regional Transportation Commission approved this, but monies were not utilized in the prior fiscal year so she needed the funds to be appropriated in the current FY to ensure it is available as needed. Commissioner Carson made a motion to approve and Commissioner Bybee made the second. Motion passed.

**\*c) Discussion/for Possible Action: Approval of Westnet/ATNI contract for upgraded fiber internet services**

Director Frances advised the Board that they currently pay \$1,800 per month for a 250 megabyte broadband and internet connection in the county. This contract increased the services to 1 gigabyte for over a three year period, which quadrupled the speed and at a lower monthly rate, but requires an up-front investment of \$17,000 to bring the fiber optics in. She added that this should significantly increase speeds and facilitate growth for the need of IT services. Commissioner Bybee moved for approval and Commissioner Godon made the second; motion passed.



### **3. CONSENT AGENDA**

The following are "action" items that may be considered in one motion/one vote. They are considered routine, non-public hearing items that have no protests. Any person representing an item or member of the public not in agreement with the recommendations by staff should request to have that item removed from the Consent Agenda. Any County Commissioner may remove any items from the consent Agenda and have it placed in the Action Items.

**\*a) Discussion/For Possible Action: to ratify Correspondence Sent on Behalf of the White Pine County Commission.**

**\*b) Discussion/For Possible Action: Approval of Payroll for County Elected Officials.**

**\*c) Discussion/For Possible Action: Approval of HR Transmittal for Payroll Changes.**

**\*d) Discussion/For Possible Action: Approval of budget transfers within and between functions or programs within a fund that do not increase the total appropriation of the fund.**

Commissioner Carson moved for approval of the consent agenda. Commissioner Bybee made the second and the motion passed.

### **4. NOTICE OF UNTIMED ITEMS**

**\*a) Discussion/For Possible Action: Approval of minutes from the County Commission Meeting held January 13, 2021**

Commissioner Carson noted one correction under Natural Recourses on page 3, item D1. Adam Sullivan is new State Water Engineer, not acting. Commissioner Carson moved to approve with the correction, Commissioner Bybee made the second and the motion passed.

**\*b) Discussion/For Possible Action: Possible Motion to close the open meeting for discussion with the Board related to Collective Bargaining pursuant to NRS 288.220. Human Resources Director Tim Bunch & Finance Director Elizabeth Frances**

At 11:51 am, Commissioner Bybee moved to close the meeting for a discussion related to collective bargaining. Commissioner Carson seconded the motion and the meeting went into closed session. The closed meeting went into session at 11:53 am. At 12:06 pm, the closed meeting ended and the regular Commission Meeting was reopened.

#### **PUBLIC COMMENT:**

At 11:50 am, prior to the closed session, Chairman Howe asked for Public Comment. James S. Beecher advised that he was humbled and honored and thanked the Board for their actions today. He is not afraid of hard work and looks forward to working as the District Attorney.


At 12:07 pm, public comment was opened again and there was none.

#### **ADJOURNMENT**

Commissioner Godon moved to adjourn the meeting and Commissioner Bybee seconded that motion. The meeting was adjourned at 12:07 pm.

BOARD OF COUNTY COMMISSIONERS

WHITE PINE COUNTY  
STATE OF NEVADA

BY:   
CHAIRMAN

ATTEST:

  
WPC CLERK OF THE BOARD