



# Elko County Board of Commissioners

540 Court Street, Suite 101, Elko, Nevada 89801

775-738-5398 Phone 775-753-8535 Fax

[www.elkocountynv.net](http://www.elkocountynv.net)

## COMMISSIONERS

Delmo Andreozzi

Demar Dahl

Cliff Eklund

Jon Karr

Rex Steninger

## COUNTY MANAGER

Rob Stokes

## EXECUTIVE ASSISTANT

Michele Petty

## DEPUTY CLERK

Michele Merkle

## PUBLIC MEETING NOTICE

**The Elko County Board of Commissioners, County of Elko, State of Nevada, will meet on Wednesday, March 06, 2019, in the Nannini Administration Building, Suite 102, 540 Court Street, Elko, Nevada 89801 at 1:30 PM. Pacific Time Zone**

Attached with this Notice is the Agenda for said meeting of the Board.

This Notice is posted pursuant to NRS 241 as amended by the 2017 Legislature and is to be posted at the following places no later than three full working days before the meeting:

ELKO COUNTY MANAGER'S OFFICE

ELKO COUNTY COURTHOUSE

ELKO COUNTY LIBRARY

ELKO CITY HALL

ELKO COUNTY WEBSITE: [www.elkocountynv.net](http://www.elkocountynv.net)

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**ROBERT K. STOKES**

**Elko County Manager**

## **WELCOME TO AN ELKO COUNTY BOARD OR COMMISSION MEETING!**

We are pleased you are interested in a meeting of one of Elko County's Boards or Commissions. Below is some basic information about our meetings and procedures for you to participate in your government.

### **AGENDAS**

The agenda is available on the Elko County website at [www.elkocountynv.net](http://www.elkocountynv.net). Hard copies are made available at the meeting, upon request at the County Manager's Office or posted as per NRS 241. Meetings are broadcast live from our website, under the Meetings tab on the home page of the website and then under Agendas, Videos, etc. You can also click the Watch Our Meetings tab on the right side of the home page. Videos of the meeting are available within 24 hours of the end of the meeting. Minutes, when finalized and approved by the Board/Commission, are also posted to that page.

### **PUBLIC COMMENT**

The public's participation in our meetings is valued and appreciated. The Board/Commission can only take action on items that are listed on an agenda properly posted prior to the meeting. During Comments by the General Public, speakers may address matters not listed on the agenda. The Open Meeting Law does not expressly prohibit responses to public comment by the Commissioners, but no deliberation on a matter can be considered without notice to the public. Public comment will be called for on all agenda items marked For Possible Action.

If you are planning to speak during the meeting, please sign the sign-in-sheet at the back of the meeting room. This helps our recording clerk get the correct spelling of your name. When comments are called for, please approach the podium and state your name and who you represent.

If submitting comments or information on an agenda item, please submit to the County Manager's Office as soon as possible in order to provide opportunity for Board/Commission members to review and to avoid possible delays in a decision if not all information is presented previous to the start of a meeting. If information is presented at the meeting, you need to provide at least 10 copies, making sure to submit a copy to the recording secretary for the official public record. All information submitted becomes part of the public record and is added to the backup information for that agenda item on our website with 24 hours of the adjournment of the meeting.

Another avenue for making comments on agenda items, especially if you can't make a meeting, is called e-Comment. If you open the agenda under the process described above, you will find a link by the agenda called e-Comment. Click on the link and follow the directions to register to comment and you are set to comment on specific agenda items. Please note that the e-comment period for a specific agenda closes 24 hours before the start of the meeting to allow those comments to be transmitted to our Board/Commission members and recording staff. Those reports are also uploaded to our agenda on the website.

### **CONSENT AGENDA**

Items listed under the Consent Agenda are considered to be routine in nature and are normally approved by one motion without extensive discussion. If a Board/Commission member wishes to comment or discuss a particular item, that item can be removed from the consent agenda and considered as a separate action during the meeting.



**ELKO COUNTY BOARD OF COMMISSIONERS  
COUNTY OF ELKO, STATE OF NEVADA MEETING  
THE NANNINI ADMINISTRATION BUILDING, SUITE 102,  
540 COURT STREET, ELKO, NEVADA 89801.**

**1:30 PM Pacific Time Zone**

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**Wednesday, March 06, 2019**

**IN ACCORDANCE WITH NRS 241, THE COMMISSION MAY: (I) CHANGE THE ORDER OF THE AGENDA, (II) COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, (III) REMOVE AN ITEM FROM THE AGENDA OR DELAY DISCUSSION RELATING TO AN ITEM ON THE AGENDA AT ANY TIME, (IV) AND IF THE AGENDA IS NOT COMPLETED, RECESS THE MEETING AND CONTINUE ON ANOTHER SPECIFIED DATE AND TIME. THE PUBLIC CAN COMMENT ON ANY AGENDA ITEM BY BEING ACKNOWLEDGED BY THE CHAIR WHILE THE COMMISSION CONSIDERS THAT AGENDA ITEM.**

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**POSTING**

This agenda is posted pursuant to NRS 241 as amended by the 2017 Legislature and was posted at the following locations no later than March 1, 2019: ELKO COUNTY MANAGER'S OFFICE, ELKO COUNTY COURTHOUSE, ELKO COUNTY LIBRARY, ELKO CITY HALL AND THE ELKO COUNTY WEBSITE ([www.elkocountynv.net](http://www.elkocountynv.net)).

**PROCEDURE**

Please sign in at the back of the hearing room if you plan on speaking during the meeting and remember to state your name for the record at the podium before making your statement.

PLEASE TURN OFF YOUR CELL PHONES OR PLACE IN MANNER MODE

**REQUEST FOR AGENDA INFORMATION**

The public may acquire this agenda and supporting materials, pursuant to NRS 241 by contacting Michele Petty, Executive Assistant, at (775) 738-5398 or via e-mail to [mpetty@elkocountynv.net](mailto:mpetty@elkocountynv.net). Materials are available from the Elko County Manager's Office, Nannini Administration Building, 540 Court Street, Suite 101, Elko, Nevada 89801 or on the Elko County website at [www.elkocountynv.net](http://www.elkocountynv.net).

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. COMMENTS BY THE GENERAL PUBLIC**

Pursuant to NRS 241 this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

**D. HAPPY 150TH BIRTHDAY ELKO COUNTY!**

D.1. Discussion and consideration of approval of Proclamation 2019-02 Celebrating the 150th Birthday of Elko County.

The Elko High School Choraliers will perform and Jan Petersen from the Cowboy Art & Gear Museum will give a brief history of the first year of Elko County.

FOR POSSIBLE ACTION

**E. ELKO COUNTY LIBRARY BOARD OF TRUSTEES**

E.1. Report and review of Board of Trustees activities and minutes including issues related to the operation of the County Library.

NON-ACTION

**F. APPOINTMENTS**

F.1. Discussion and consideration of the appointment of Thomas Whittle as recommended by the Library Board to fill the vacancy with term expiring December 31, 2022.

FOR POSSIBLE ACTION

**G. BOARD OF COUNTY HIGHWAY COMMISSIONERS**

G.1. Discussion and consideration to award Bid 03-2019 Magnesium Chloride to Envirotech Services, Inc. for Magnesium Chloride delivered and spread for \$206,228.75. Envirotech Services, Inc. was the only responsible bidder that submitted a bid.

FOR POSSIBLE ACTION

[BID 032019 Magnesium Chloride 2019.pdf](#)

**H. ELKO COUNTY AMBULANCE**

H.1. Discussion and consideration of approval of an agreement between the Elko County Ambulance Service and the Northeastern Nevada Regional Hospital for non-emergency ambulance transportation.

FOR POSSIBLE ACTION

[Elko County Ambulance Agreement Final.pdf](#)

## **I. NEVADA LEGISLATIVE SESSION**

- I.1. Discussion and consideration of the Commission position on AB 186 (BDR 24-678) - Presidential Election by National Popular Vote referred to the Committee on Legislative Operations and Elections. AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States Constitution requires the election of President and Vice-President by presidential electors from each state who are appointed in the manner directed by each state legislature. (U.S. Const. Art. II, § 1, cl. 2, U.S. Const. Amend. XII) Existing law sets forth the process for the nomination of presidential electors, and alternates thereof, by major and minor political parties and by independent candidates, and requires each nominee for presidential elector and alternate to sign a pledge to vote only for the candidates for President and Vice--President who receive the highest number of votes in this State at the general election. (NRS 298.035, 298.045) The nominees for presidential elector whose candidates for President and Vice President receive the highest number of votes in this State at the general election are the presidential electors, and the presidential electors may vote only for the candidates for President and Vice President who receive the highest number of votes in this State at the general election. (NRS 13298.065, 298.075) Section 3 of this bill enacts the Agreement Among the States to Elect the President by National Popular Vote.

FOR POSSIBLE ACTION

[AB186.pdf](#)

## **J. ELKO COUNTY SHERIFF'S OFFICE**

- J.1. Discussion, review and consideration of approval for back pay for Detective Sergeant Billy Hood.

FOR POSSIBLE ACTION

[Hood Backpay Request.pdf](#)

## **K. ELKO COUNTY LIQUOR BOARD**

- K.1. Discussion and consideration of the approval of a Liquor License for Darian Getty, DAG Enterprises, LLC doing business as DG's (formerly JJ's BBQ) at 441 Spring Creek Pkwy., Spring Creek, NV 89815. The applicant has completed the necessary application and provided the required documentation. The Sheriff's Office has completed a background investigation and recommends approval.

FOR POSSIBLE ACTION

[Getty Letters of Recommendation.pdf](#)

## **L. ELKO COUNTY TREASURER'S OFFICE**

- L.1. Pursuant to NRS 361.595, discussion and consideration of approval of the Annual Trustee Property Auction on April 25, 2019 to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property.

FOR POSSIBLE ACTION

## **M. PRESIDENT TRUMP BORDER WALL EMERGENCY DECLARATION**

- M.1. Discussion and consideration of issues related to President Donald Trump's Emergency Border Wall Declaration including possible direction to staff on this matter.  
FOR POSSIBLE ACTION

**3:00 P.M.**

## **N. ELKO COUNTY CODE**

- N.1. Pursuant to Notice NO. 06-2019, discussion and consideration of a public hearing and second reading of Ordinance 01-2019 with a recommendation by the Elko County Planning Commission to amend Elko County Code Title 4, Chapter 2, Section 2, Subsection (E) and Title 4, Chapter 2, Section 3, Subsection (E), to change an accessory building height from 20 feet to 25 feet.

FOR POSSIBLE ACTION

[Draft Ordinance NO 01-2019 Height Amendments .docx](#)

[NO 06-2019 ORDINANCE 01-2019 - Permitted Height of Accessory Building.docx](#)

- N.2. Pursuant to Notice NO. 07-2019, discussion and consideration of a public hearing and second reading of Ordinance 02-2019 with a recommendation by the Elko County Planning Commission enacting Title 4, Chapter 9, Section 15 of Elko County Code, to add provisions allowing the Senior Planner of the Planning and Zoning Department to review and approve small deviations up to nine (9) percent in the height of accessory buildings in ECC 4-2-2 and ECC 4-2-3.

FOR POSSIBLE ACTION

[NO 02-2019 Administrative Power for Small Deviations to Height.DOCX](#)

[NO 07-2019 ORDINANCE 02-2019 -Administrative Authority to Plannert.docx](#)

## **O. ELKO COUNTY NATURAL RESOURCES**

- O.1. Discussion and consideration of Resolution 2019-05 entitled, A RESOLUTION BY THE ELKO COUNTY BOARD OF COMMISSIONERS SUPPORTING THE TRANSFER OF LANDS ALREADY DESIGNATED FOR DISPOSAL TO THE STATES AND THE TRANSFER OF THE JARBIDGE SOUTH CANYON ROAD TO ELKO COUNTY.

FOR POSSIBLE ACTION

[NO 2019-05 Fed Transfer Land-Jarbidge Rd.pdf](#)

- O.2. Presentation by Cliff Gardner regarding the Common Right of Due Process with regard to the states' rights to manage natural resources.

NON-ACTION ITEM

[The COMMON LAW RIGHT OF DUE PROCESS.pdf](#)

- O.3. Update of activities from the Natural Resources Director Curtis Moore.  
NON-ACTION

**P. COMMISSION MEETING CALENDAR**

FOR POSSIBLE ACTION

P.1. Wednesday, March 20, 2019 - County Commission Meeting - Elko - 1:30 pm

P.2. Wednesday, April 3 and 4, 2019 - County Commission Meeting - Elko - 1:30 pm

P.3. Wednesday, April 17, 2019 - County Commission Meeting - Elko - 1:30 pm

**Q. CONSENT AGENDA**

All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, without extensive discussion. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting.

FOR POSSIBLE ACTION

Q.1. Presentation and review of claims for approval which are available for public review at the Elko County Manager's Office.

Q.2. Approval of Minutes.

[DRAFT Board of Commissioners 2.6.19.edited.pdf](#)

**R. COMMISSION AND COMMITTEE REPORTS**

Informational reports from Commission members regarding various committee, liaison or agency issues as may be appropriate.

NON-ACTION

R.1. DEMAR DAHL, DISTRICT 1 COMMISSIONER

Commission Vice-Chair, Wells, West Wendover, Jackpot, Montello, Owyhee, Mt. City, Jarbidge Liaison, National Association of Counties Western Interstate Region Board (NACo WIR), Central Nevada Regional Water Authority (CNRWA), Humboldt River Basin Water Authority, USFS / BLM Liaison, Shoshone-Paiute Tribes of Duck Valley Liaison.

R.2. DELMO ANDREOZZI, DISTRICT 2 COMMISSIONER  
Highway Board Clerk, Auditorium Authority Board (ECVA), Hospital Board, Museum Board, Regional Transportation Commission (RTC), Railport Committee, State Lands Use Advisory Commission (SLUPAC).

R.3. JON KARR, DISTRICT 3 COMMISSIONER  
Recreation Board, Railport Committee, Elko Senior Activity Programs Board Liaison, Veteran’s Affairs, Fire District Committee, Nevada Department of Transportation (NDOT) Liaison, Elko City Liaison, School District Liaison / CIS – Communities in Schools, California Trails Center Board Liaison, Northeastern Nevada Stewardship Group, Northeastern Nevada Regional Development Authority (NNRDA).

R.4. CLIFF EKLUND, DISTRICT 4 COMMISSIONER  
Highway Board Chair, Regional Transportation Commission (RTC), Carlin, Midas, & Tuscarora Liaison, Juvenile Department Liaison / China Spring Advisory Committee, Library Board of Trustees Liaison, Nevadaworks, Debt Management Commission, Sheriff Department Liaison / LEPC Liaison, Debt Management Commission.

R.5. REX STENINGER, DISTRICT 5 COMMISSIONER  
Commission Chair, Liquor Board Chair, Spring Creek Association Liaison, Nevada Association of Counties (NACO) Board, Natural Resource Management Advisory Commission Liaison, Fire District Committee, Elko County Conservation Districts Liaison, Wildlife Chair / Wildlife Advisory Board / Nevada Division of Wildlife Liaison, Humboldt River Basin Water Authority, Central Nevada Regional Water Authority, NNRDA Alternate, USFS/BLM Liaison, Alt.

**S. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS**

This time is devoted to comments by County Commissioners and/or County Staff for general information or update purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

**T. COMMENTS BY THE GENERAL PUBLIC**

Pursuant to NRS 241 this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

**U. ADJOURNMENT**

**E-COMMENT**



## **POSTING CERTIFICATE**

### **NOTICE TO PERSONS WITH DISABILITIES**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board of County Commissioners, County of Elko, in writing at 540 Court Street, Suite 101, Elko, Nevada 89801, by e-mail at [mpetty@elkocountynv.net](mailto:mpetty@elkocountynv.net) or by calling (775) 738-5398.

**ELKO COUNTY IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.**