

## SPECIAL AGENDA

LANDER COUNTY COMMISSIONERS MEETING  
TOWN BOARD OF BATTLE MOUNTAIN & AUSTIN  
BOARD OF COUNTY HIGHWAY COMMISSIONERS

April 6, 2015

HUMBOLDT COUNTY, LANDER COUNTY, PERSHING COUNTY  
BOARDS OF COMMISSIONERS

JOINT MEETING

Monday April 6, 2015

3:00 p.m.

Humboldt County Courthouse Meeting Room #201  
50 West Fifth Street, Winnemucca, NV 89445

Also Via Teleconference At

AUSTIN COURTHOUSE  
COMMISSION OFFICE  
122 MAIN STREET  
AUSTIN, NEVADA

3:00 P.M. Call to Order  
Pledge of Allegiance (If appropriate)  
A Moment of Silence (If appropriate)

**Public Comment** - For non-agendized items only. *Persons are invited to submit comments in writing and/or attend and make comments on any agenda item at the Board meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Board. Reasonable restrictions may be placed on public comments based upon time, place and manner, but public comment based upon viewpoint may not be restricted.*

Joint Meeting between Lander County Commission, Pershing County Commission, and Humboldt County Commission - Discussion and for Possible Action.

A. FISCAL YEAR 2015-2016 BUDGET WORKSHOP for Sixth Judicial District Funds – The Sixth Judicial District Court of the State of Nevada will present and discuss the fiscal year 2015-2016 budget proposals with the Board of County Commissioners during the budget workshop. The budget workshop may include the presentation, review and discussion of revenues, expenditures and transfers to and from County funds and specific funding requests including, but not limited to, additions or deletions to personnel, equipment, supplies and services used or received. The Board of County Commissioners may take action for tentative approval of the proposed budget, but all budgets are subject to final approval and action at the time final budgets are submitted. The final budget is scheduled for public hearing on May 18, 2015.

- 1) District Court
- 2) Court Reporters

- 3) Law Library
- 4) Drug Court
- 5) Juvenile Probation

B. Legislative Matters – Update, review, discussion and possible action concerning the potential impact of the bill, any proposed amendment thereto, the determination of any position on the bill, and direction to staff or representative on behalf of the County regarding the bill

- 1) AB 435 – Providing for realignment of the Sixth Judicial District of the State of Nevada and creation of the Eleventh Judicial District of the State of Nevada by separating the two district judges.
- 2) SB 451 – Revising provisions relating to public defenders in counties whose population is less than 100,000 and affecting existing county public defender offices and contracts with attorneys for public defenders services and conflict public defender services.
- 3) Other legislative matters of interest to the three counties.

C. Other matters of interest to the three counties.

D. Tour of the Humboldt County Dispatch Center and Leighton Hall and dinner following the meeting.

Public Comment: General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken.

Adjournment (For Possible Action)

**NOTE: TIMES ARE APPROXIMATE**

This is the tentative schedule for the meeting. The Board reserves the right to take items out of order to accomplish business in the most efficient manner. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

*Notice to persons with disabilities:* Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the County Clerk in writing at the Courthouse, 315 S. Humboldt Street, Battle Mountain, Nevada 89820, or call (775) 635-5738 at least one day in advance of the meeting.

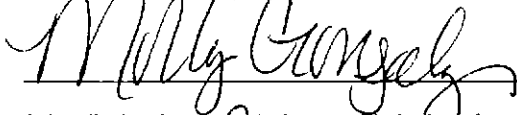
**NOTICE:** Any member of the public that would like to request any supporting material from the meeting, please contact Sadie Sullivan, Lander County Clerk, 315 S. Humboldt Street, Battle Mountain, Nevada 89820 (775) 635-5738.

**AFFIDAVIT OF POSTING**

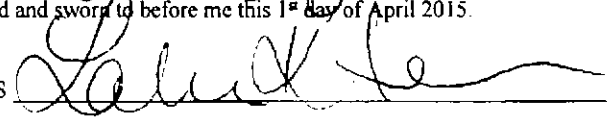
State of Nevada     )  
                               ) ss.  
 County of Lander    )

Molly Gonzales, Administrative Specialist, of said Lander County, Nevada, being duly sworn, says, that on the 1st day of April 2015, she posted a notice, of which the attached is a copy, at the following places: 1) Battle Mountain Civic Center, 2) Battle Mountain Post Office, 3) Lander County Courthouse, 4) Swackhamer's Plaza Bulletin Board, 5) Kingston Community Hall Bulletin Board, and 6) Austin Courthouse in said Lander County, where proceedings are pending.

MOLLY GONZALES, ADMINISTRATIVE SPECIALIST

  
\_\_\_\_\_

Subscribed and sworn to before me this 1<sup>st</sup> day of April 2015.

WITNESS   
\_\_\_\_\_

1 The Honorable Board of Lander County Commissioners met jointly in special session with the Humboldt  
2 County Board of Commissioners and the Pershing County Board of Commissioners in the Humboldt  
3 County Courthouse in Winnemucca, Nevada on April 6, 2015 at 3:00 P.M.  
4

**DRAFT**

5  
6 **PRESENT:** PATSY WAITS, VICE CHAIRMAN  
7 ART CLARK III, COMMISSIONER  
8 SEAN BAKKER, COMMISSIONER  
9 DOUG MILLS, COMMISSIONER  
10 THEODORE HERRERA, DISTRICT ATTORNEY  
11 KEITH WESTENGARD, EXECUTIVE DIRECTOR  
12 LIZ BARELA, DISTRICT ATTORNEY'S OFFICE MANAGER  
13

14 **ABSENT:** STEVEN STIENMETZ, CHAIRMAN  
15  
16

17 Let the record reflect the presence of a quorum of four Commissioners.  
18

19 **JOINT MEETING BETWEEN THE LANDER COUNTY COMMISSION, THE PERSHING COUNTY COMMISSION,**  
20 **AND THE HUMBOLDT COUNTY COMMISSION.** A joint meeting was held with Humboldt and Pershing  
21 Counties to discuss the Sixth Judicial District Budget and Legislative Matters and other matters of  
22 interest. Let the record reflect the presence of District Judge Michael R. Montero, District Judge Jim C.  
23 Shirley, Juvenile Court Master Bernard Schneider, Chief Juvenile Probation Officer Ed Sampson, Chief  
24 Justice James Hardestry via telephone. Those present on behalf of Humboldt County were  
25 Commissioners Garley Amos, Marlene Brissenden, Jim French, Ron Cerri, and Mike Bell. Those present  
26 on behalf of Pershing County were Commissioners Darin Bloyed, Carol Shank, and Pat Irwin.  
27

28 **PUBLIC COMMENT**  
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30 No Public Comment  
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32 **APPROVAL OF AGENDA NOTICE**  
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34 The Notice of Posting was reviewed, found to be in order and approved by the consensus of the board.  
35

36 **APPROVED**  
37

38 **PUBLIC COMMENT**  
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40 No Public Comment  
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42 **(A) FISCAL YEAR 2015-2016 BUDGET WORKSHOP for Sixth Judicial District Funds:**  
43

44 1) District Court

45 Judge Montero gave an update on the District Court budget and that there is a slight  
46 decrease this year due to some salaries and some employees that have retired. The  
47 budget is broken down with a \$5,000 fee that comes to Humboldt County for  
48 administration of the Tri-County Agreement. Humboldt pays 60%, Pershing pays 20%  
49 with a \$2,500 administrative fee, and same for Lander paying 20% with the \$2,500  
50 administrative fee. Unknown Commissioner made a motion to accept the District Court  
51 budget motion was carried. **APPROVED**

52  
53 2) Court Reporters  
54

55 Judge Montero gave the update on the Court Reporter budget with a 5% increase due to  
56 the cost of living. This is also for the Tri-County agreement with Humboldt County  
57 paying 60%, Pershing County paying 20%, and Lander County paying 20% also. He also  
58 gave an update on just Humboldt County's budget for certain areas such as Child  
59 Protective Services, Pre-Sentence Investigation Reports that are needed, Transcripts,  
60 and other services. Unknown Commissioner made a motion to accept the Court  
61 Reporters Budget. **APPROVED**

62  
63 3) Law Library  
64

65 Judge Montero gave an update on the Law Library Budget. He informed everyone that it  
66 is almost all electronic now and there is a computer in there for people to use. Unknown  
67 Commissioner made a motion to approve the Law Library fund as presented. **APPROVED**

68  
69 4) Drug Court  
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71 Judge Montero gave an update on the Drug Court Budget and that it is funded by grants  
72 so it does not come out of Humboldt County's budget. He said that this is the last year  
73 for the grant and they are in the process of applying for new grants for next year. Ted  
74 Herrera, The Lander County District Attorney, talked about the tentative budget and  
75 factoring in AB 435 and also the changing of the districts. He said that the Lander County  
76 Commissioners wanted him to speak on behalf of Lander County that if the AB 435 for  
77 some reason does not pass that they are not waving any objections to the 1996 or the  
78 1985 contract between the three counties. Ted said that he believes there has been  
79 some unauthorized staff hirings and in the contract it says that any hiring should be  
80 approved by all three counties. He stated he does not believe anyone there was aware  
81 of this. Jim Shirley stated that it needs to be clear regarding the fiscal years that nothing  
82 would be in effect until the next fiscal year. He reassured everyone that the realignment  
83 has nothing to do with this issue. Ted said the contract survives another year whether or  
84 not the Counties split. Judge Montero stated that this might be a little premature  
85 because we have not heard the Juvenile Budget yet. Ted agreed and said that we should  
86 hear the Juvenile Budget before discussion. Commissioner Brissenden made a motion to  
87 approve the District Court Budget as presented. **APPROVED**

88  
89 5) Juvenile Probation  
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91 Ed Sampson, Chief Juvenile Probation Officer, for the record handed out a packet. He  
92 reflected the slight increase in the budget solely due to salaries and benefits. He went

93 over all the numbers for all areas of The Juvenile Probation. He also gave an update on  
94 the \$45,000 extra they normally get in the budget for upgrades, but this year it is the  
95 control panels and that amount will not be close to enough so they might not even need  
96 that money. Ted Herrera, Lander County District Attorney, for the record stated the  
97 objections that Lander County has with the Lander County Juvenile Probation Officers  
98 having to work in Humboldt County because of the lack of staff in Humboldt and that it  
99 leaves Lander County shorthanded because of that. Unknown Commissioner made a  
100 motion to accept the Juvenile Budget as presented. **APPROVED**

101  
102 **(B) LEGISLATIVE MATTERS:**

103  
104 1) AB 435

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106 Chief Justice James Hardestry, via telephone, gave an update on the realignment of  
107 districts. It has been an objective of his since 2009 on how they can gain better access to  
108 justice in Mineral County. There was a slideshow and handouts with the 10 judicial  
109 districts listed and they went over some of the districts and how the caseloads differ.  
110 Pershing County, Lander County, and Mineral County would become the 11<sup>th</sup> Judicial  
111 District and Humboldt would stay the 6<sup>th</sup> Judicial District. He stated, after the  
112 realignment the budgets would stay about the same. This would take place July 1, 2015  
113 if it gets passed by legislative. Commissioner Amos made a motion to support the  
114 creation of the Eleventh Judicial and the separation of the districts and draft a resolution  
115 and authorize the chairman to sign it. **APPROVED**

116  
117 2) SB 451

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119 This bill was introduced March 23, 2015 and pertains to State Public Defenders. Lander  
120 County, some time ago, opted out of State Public Defenders and went to contracting out  
121 for the service. Ted Herrera spoke about this being agendized for Lander County as well  
122 and he stated that the system was broken and if resurrected it will still be broken and  
123 will never get better. He stated that the amount they are asking for is 2 ½ times what he  
124 could do the job for and they wouldn't provide services in Battle Mountain they would  
125 get someone for Humboldt County and they would travel to Lander and Pershing County  
126 when needed. The counties are paying the money and giving up oversight. Patsy Waits  
127 stated that we should stay neutral because an agreement could not be made, but to  
128 voice the concerns. Unknown Person stated that we need to oppose it not stay neutral.  
129 Commissioner Clark stated that he was worried about NACO being absorbed by Washoe  
130 and Clark County. Pat Irwin stated that this was not the case that there has been no  
131 strong arming from those counties and everyone has an equal vote. Commissioner Clark  
132 stated that NACO needs to be stopping government overreach and if we are giving them  
133 our support then they need to stop it. Pat Irwin said he agrees and he believes they are  
134 doing that. Jim French stated that he agrees with Pat Irwin, and that they need to take  
135 action and be able to represent on this matter. Commissioner Bakker moved to mirror  
136 the motion made by Humboldt County to oppose the SB 451, seconded by  
137 Commissioner Clark. **APPROVED** A motion was also made to send a letter for the two  
138 counties. **APPROVED**

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3) Other Legislative Matters

Ted Herrera spoke about the elected officials and the salary increase and that NACO took a vote and they agreed to back the bill to give the elected officials a salary increase. Mr. Fontane had said that they would back it by 3%, but it was voted by NACO they would back an 8% increase. Ted Herrera said a letter had to be sent to show that it was an 8% not a 3%. Commissioner Waits stated that the discussion was 8% and that the bill could be amended and Mr. Fontane told her that he presented it as such and the bill cannot be changed. Mr. Herrera stated he did not have the same understanding.  
**DISCUSSION ONLY**

(C) Other Matters of Interest to the three counties:

Commissioner Mills brought up the topic of ranching and the BLM conflicts and also the Wild Horses in Lander County and asked the Humboldt County Commissioners how they are handling all of that. Unknown Commissioner for Humboldt County gave an update on their position for those topics as well as the sage grouse topic. Their county has not taken any action on the topic it has just been discussed. **DISCUSSION ONLY**

(D)

**PUBLIC COMMENT**

No Public Comment

**ADJOURNMENT**

There being no further business before the Board at this time, Commissioner Bakker moved to adjourn the Tri-County Special Session Meeting of April 6, 2015. The motion was voted and carried by the consensus of the Board. **ADJOURNED**

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**CHAIRMAN OR VICE CHAIRMAN OF THE BOARD  
OF LANDER COUNTY COMMISSIONERS**

**ATTEST:**

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**LANDER COUNTY CLERK**