

Monday, March 17, 2014

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, March 17, 2014, at 9:31 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Dan Cassinelli, Commissioners Garley Amos Jr., Mike Bell, Jim French and Marlene Brissenden, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Cassinelli asked for public comments. Matt Zietlow, Environmental Manager, Marigold Mine appeared before the Commission and discussed the upcoming sale of the mine. Chairman Cassinelli asked for additional public comment. None offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 3, 2014:

No minutes presented for consideration.

ADMINISTRATIVE REPORT:

CONSENT AGENDA: The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. Acceptance of Audit Engagement Letter: A copy of the Audit Engagement Letter from Drake, Rose & Associates LLC was provided to the Board for review. *Recommendation: That the Commission accept the engagement letter.*
2. Appointment to the Paradise Weed District Board: A copy of a letter requesting appointment from Donald Shane Hall was provided to the Board. *Recommendation: That the Commission appoint Shane Hall to the Board.*

Administrator Deist stated that a request for appointment to the Paradise Weed District Board had also been received from Bob Buckingham. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve the consent agenda as presented.

SOLID WASTE MATTERS: Administrator Deist stated that he had nothing on this item.

PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE PROPOSED

ACTIONS: Administrator Deist stated that he had nothing on this item.

MISCELLANEOUS REPORTS AND CORRESPONDENCE: Administrator Deist updated the Commission as to the DeLong Road Agreement and settlement conference and noted a conversation he had with the City Manager related to the Commission's desire to have a presentation by NDEP as to the

Well Head Protection Program during which City Manager West had informed him that the City has a program in place at this time and so they are not sure what new might come from such a presentation. Upcoming meetings and dates of importance were noted. Discussion occurred regarding the County moving forward with the Well Head Protection Program presentation with Administrator Deist noting that the County has no water system so it would not apply and Commissioner French stating his request that the presentation occur as it had been discussed at the retreat and would open dialog and provide information. Commissioner French stated that he would like to speak to the City Manager about the issue and concerns related to the Water Canyon area. Chairman Cassinelli asked that the matter be placed on the next Commission agenda and that City Manager West attend to discuss the issue with the Commission.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Discussion occurred regarding the status of the Pine Forest Bill.

CLAIMS FOR EXPENDITURES OF COUNTY FUNDS: The following motion was made by Commissioner Amos and passed unanimously:

To approve the expenditures list.

TREASURER'S OFFICE: Treasurer Gina Rackley appeared before the Board.

ADOPTION OF RESOLUTION OF SALE OF DELINQUENT TAX PROPERTIES: A copy of the proposed resolution with a listing of the delinquent tax properties identified for sale was provided to the Board for review. Treasurer Rackley reviewed the resolution for the Board noting the addition of posting the notices in Golconda and Valmy due to the number of properties in those areas and a correction to a date listed in the prepared resolution. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To adopt the resolution for sale of delinquent tax property.

(Resolution No. 03-17-14)

APPROVAL OF CHAIRMAN'S SIGNATURE ON BANKING SERVICE AGREEMENT: A copy of the proposed banking service agreement between the County and Wells Fargo was provided to the Board. Patrick Foley of Wells Fargo Bank appeared before the Board. Treasurer Rackley reviewed the proposal and recommended that the County remain with Wells Fargo and approve the three year contract. Mr. Foley commented on his appreciation of the relationship with Humboldt County and discussed the services that are being offered. After discussion the following motion was made by Commissioner Bell and passed unanimously:

3/17/2014

Page 2 of 13

To approve the bank service agreement with Wells Fargo and authorize the Chairman to sign the agreement.

REQUEST FROM YOUTH AND FAMILY SERVICES FOR A WAIVER TO THE ATTRITION POLICY FOR AN ADMINISTRATIVE SPECIALIST POSITION CURRENTLY VACANT:

Administrator Deist stated that the request had been withdrawn.

PUBLIC HEARING ON A NUISANCE COMPLAINT ALLEGING THAT THE PROPERTY OWNED BY JESSE W. PEARSON AT 4715 W. THOMAS CANYON ROAD, WINNEMUCCA, NV APN 013-372-03 IS DEFINED AS A POSSIBLE NUISANCE PER HUMBOLDT COUNTY CODE CHAPTER 8.04:

Provided to the Board for review was a copy of the complaint filed by Clarence F. McComb with photos, copies of the investigative reports prepared by the Building Department and the Sheriff's Office and a copy of the Notice of Public Hearing. Complainant, Clarence "Rick" McComb, property owner, Jesse W. Pearson and property tenant, Sharon Bower appeared before the Board. Commissioner Bell disclosed for the record that he works with the complainant Mr. McComb at the hospital but as action in this matter provides no benefit to him, he will not be abstaining from discussion and/or action. Commissioner Brissenden disclosed for the record that she knew both the property owner Mr. Pearson and the property tenant Ms. Bower but that she would not be abstaining from discussion and/or action on the matter. Complainant McComb addressed the Board regarding the issues stated in the complaint including dust, smell and flies related to the manure on the site and his concerns regarding water contamination. Chairman Cassinelli asked about the unregistered vehicles on the property. Mr. McComb responded that while there were a number of vehicles his main concern was with the manure issues. Property owner Pearson confirmed his awareness of the issues noted by Mr. McComb and commented on the situation with the tenant and his efforts to make arrangements to remove the accumulated manure. Commissioner Bell asked about the effect of the eviction proceeding. District Attorney Macdonald noted that the tenant has been given until April 21st to vacate the property and that the owner would need to follow through with anything that the tenant fails to address; he stated that it would be reasonable for the Board to determine that a nuisance exists today and then set a time by which it needs to be abated. Discussion occurred regarding the time frame for abatement. After discussion the following motion was made by Commissioner Brissenden and passed unanimously:

To declare a nuisance with review at the first meeting in June.

Chairman Cassinelli asked for public comment. Property tenant Sharon Bower addressed the Board and discussed what clean up has occurred and what she is planning to do; she noted that the junk

vehicles on the property had been there for a number of years and belonged to the property owner. No further public comment offered.

REQUEST FROM 777 BARREL RACING FOR A \$1,500 GRANT TO COVER ARENA FEES FOR THE 777 ANNUAL BENEFIT BARREL RACE:

Bonnie Cassinelli of 777 Barrel Racing appeared before the Board and spoke in support of the request. Chairman Cassinelli noted for the record that Mrs. Cassinelli is his sister-in-law but that he would have no gain from this item so he would not be abstaining from discussion and/or action on this item. It was noted that this grant has been done for a number of years and that the proceeds from this event are for the LaRena Bengoa Fund. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To grant \$1,500.00 for covering the arena fees.

ROAD MATTERS: Road Superintendent Ben Garrett appeared before the Board.

DECLARE VEHICLES SURPLUS AND AUTHORIZE DISPOSAL: Provided to the Board for review was a list from the Road Superintendent of the vehicles identified for disposal (see attached). Superintendent Garrett reviewed the list of surplus vehicles identified for disposal for the Board. The following motion was made by Commissioner Amos and passed unanimously:

To approve the disposal of surplus vehicles.

AWARD BID ON WHEEL LOADER: Provided to the Board for review was a memo from Superintendent Garrett reviewing the bids received for the Wheel Loader from Cashman Equipment and Pape Machinery and recommending the purchase of the 2008 John Deere 644 J Wheel Loader at a cost of \$153,530.00 (see attached). Discussion occurred regarding the buy back option and new versus used. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To go with the Road Foreman's recommendation.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reviewed road covering, grading, crack filing and pipe installations for the Board. Commissioner Brissenden commented on an issue with Testhill Road being blocked off and concerns about emergency access. Superintendent Garrett stated that Testhill was not a county maintained road but that he would check on it. Commissioner Brissenden asked about the I-11 project. Superintendent Garrett stated that it is all conceptual at this time and that it will be a long time before it comes through.

MISCELLANEOUS ROAD RELATED MATTERS: None offered.

REQUEST FROM SENIOR CITIZENS OF HUMBOLDT COUNTY, INC. FOR DIRECTION TO PROCEED WITH THE GRANT APPLICATION OF A 5311 TRANSIT PROGRAM, POSSIBLE

APPROVAL OF LETTER OF SUPPORT, AND POSSIBLE COMMITMENT OF MATCH FOR THE GRANT:

Robert Osti, Chairman of the Board of Senior Citizens and Patricia Tindall, Director of the Senior Citizens appeared before the Commission. Ms. Tindall explained that the current 5310 transportation grant is ending, so the plan is to pursue the 5311 grant with the Senior Citizens being the sub grantee and the difference being that the program would be countywide and not limited to the senior citizens and the disabled; she detailed the funding being provided by the Senior Citizens' Board, other matching grants and requested a county match in the amount of \$15,000.00. Discussion occurred regarding the date the grant application is due, the need for a letter of support from the Board of County Commissioners and that the \$15,000.00 is an annual match. Commissioner French noted that the \$15,000.00 contribution would result in a \$300,000.00 program and commented that if the grant would go away, the bus program would need to be canceled. Chairman Cassinelli agreed that the program needs to move forward. The Board concurred. The following motion was made by Commissioner French:

To accept the prospect for a 5311 grant and that we write a letter of support indicating a guarantee of the \$15,000.00 share of the matching money for this year.

Chairman Cassinelli asked when the \$15,000.00 would be needed. Ms. Tindall stated it would be October 1, 2014. Chairman Cassinelli called Commissioner French's motion to a vote and it passed unanimously.

PRESENTATION BY ROBERT LITTLE, STATE NOXIOUS WEEDS COORDINATOR FOR NEVADA DEPARTMENT OF AGRICULTURE, AND STATE AND COUNTY NOXIOUS WEED

CONTROL: Robert Little, Nevada Department of Agriculture Noxious Weed Program Regulatory Coordinator and Jamie Greer, Noxious Weeds Program Grants & Outreach Coordinator appeared before the Board. Ms. Greer reviewed a power point presentation for the Board entitled "Noxious Weeds in Humboldt County" including a Nevada Department of Agriculture program overview, local efforts in Humboldt County, local noxious weed control partners in Humboldt County, noxious weed concerns in the County including Medusa head & Leafy Spurge and concerns about the situation with the Paradise Valley Weed District. Mr. Little discussed the issue with the Paradise Valley Weed District, offered some possible solutions, reviewed noxious weed statutes and discussed the Nevada Department of Agriculture Cost Share Abatement Program and the draft Memorandum of Understanding. Chairman Cassinelli noted the importance of funding especially if this is planned for the whole County as there is currently no funding allocated for it and commented on the situation with the Paradise Valley Weed District. Commissioner French commented on the need to involve the federal government on the front

side of this process not the back side and he asked about the other counties involvement. Ms. Greer commented that this is the first presentation and explained what is planned including appearing before the State Legislature. Chairman Cassinelli stated that he would like to have the District Attorney review the Memorandum of Understanding and it may be necessary for Mr. Little & Ms. Greer to attend a future meeting because this matter needs to move forward. Mr. Little concurred and asked that the County provide any input related to the MOU to make it work better for Humboldt County. Commissioner Brissenden asked that there be communication with the new Weed District Board in Paradise.

PRESENTATION BY WASHOE LEGAL SERVICES REGARDING RURAL LEGAL SERVICES CHILD ADVOCACY AND SENIOR LEGAL SERVICES GRANT AND REQUEST FOR CONSIDERATION DURING THE UPCOMING BUDGET FOR A MATCH CONTRIBUTION:

Provided to the Board for review was a proposal summary from Washoe Legal Services for providing a full time staff attorney for Churchill, Pershing, Humboldt and Lander Counties, copies of letters of support from District Court Judges Richard A. Wager and Michael R. Montero and a grant application for providing legal services along the I-80 corridor. Paul Elcano, Executive Director for Washoe Legal Services appeared before the Board. Mr. Elcano noted an amendment to the proposal before the Board in that Churchill County will be handled by the Reno Office and due to a lack of significant need Lander County will not be covered so the only two Counties in the proposal today would be Humboldt and Pershing and that would be for a half time position that would require funding of \$60,000.00; he noted that the WLS will continue with their planned contribution of \$20,000.00 and perhaps some funds from another source. Mr. Elcano explained the need for this type of service and requested a contribution from Humboldt County of \$35,000.00 noting that if additional funds are raised it may reduce the contribution amount from the Counties. Discussion occurred regarding the need for the services in the community. Judge Michael R. Montero appeared before the Board and commented on the proposal. Administrator Deist recommended that no decision be made today, that the proposal be considered during the budget process. Judge Montero asked that the proposal not be part of the Court budget. Chairman Cassinelli stated that the proposal would be looked at but the budget would need to be considered.

ADOPTION OF PROCLAMATIONS: Jessie Swanger of Winnemucca Domestic Violence Services appeared before the Board and spoke in support of the adoption of the proclamations.

CHILD ABUSE PREVENTION MONTH: A copy of the proposed proclamation was provided for the Board's review. The following motion was made by Commissioner Amos and passed unanimously:

To approve the proclamation for Child Abuse Prevention Month.

(Resolution No. 03-17-14a)

NATIONAL CRIME VICTIMS RIGHTS WEEK APRIL 6-12, 2014: A copy of the proposed proclamation was provided for the Board's review. The following motion was made by Commissioner Amos and passed unanimously:

To approve the proclamation for National Crime Victims Rights Week April 6 - 12, 2014.

(Resolution No. 03-17-14b)

SEXUAL ASSAULT AWARENESS MONTH: A copy of the proposed proclamation was provided for the Board's review. The following motion was made by Commissioner Brissenden and passed unanimously:

For adoption of the Sexual Assault Awareness Month proclamation as requested.

(Resolution No. 03-17-14c)

UPDATE FROM WESTERN NEVADA DEVELOPMENT DISTRICT: Ronald J. Radil, Executive Director of the Western Nevada Development District and Schinria Islam, Project Manager appeared before the Board. Mr. Radil reviewed an update of the Western Nevada Development District including the Counties in the region, the Comprehensive Economic Development Strategy (CEDs), SET - Capacity Building Goals, SET - Regional Economic Sector Goals, SET/CEDs Work Group Activities and Investing in Manufacturing Communities Partnership (IMCP); he requested a letter of support regarding the application associated with the IMCP being submitted to the U.S. Economic Development Administration seeking designation as a manufacturing community. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To draft a letter of support for the project.

Chairman Cassinelli recessed the meeting at 12:12 p.m. to reconvene at 1:30 p.m.

FINAL ACTION ON ORDINANCE AMENDING CHAPTER 2.16 OF THE HUMBOLDT COUNTY CODE; PROVIDING FOR THE REDUCTION OF THE NUMBER OF TRUSTEES OF THE HUMBOLDT COUNTY HOSPITAL DISTRICT FROM SIX TO FIVE; ELIMINATING THE TRUSTEE POSITION WHICH IS APPOINTED FROM THE ELECTED BODY OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE FILING OF BOARD OF TRUSTEE VACANCIES BY THE BOARD OF TRUSTEES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO: Provided to the Board for review was an e-mail

from O. Kent Maher as legal counsel for the Hospital Board explaining the request and noting the

discussion which had occurred at a Hospital Board meeting where the Board members had offered their opinions as to reducing the number of Hospital Board members to 5 from 6 and a copy of the draft ordinance accomplishing that reduction. Commissioner Bell disclosed for the record that he is an employee of the hospital however as there is nothing that would affect him monetarily he would be participating in discussion and/or action on this item. Commissioner Brissenden disclosed for the record that she is the County Commission presence on the Hospital Board. Commissioner French questioned who is requesting this change noting that to date he has seen nothing indicating that the Hospital Board has taken formal action to bring this matter to the Commission and make the request that will significantly change the makeup of the Board; he continued commenting on his belief as to the reason for this request noting that during his time on the Board and Commissioner Giordano's time as the Commission representative the issue had not been discussed, on the financial involvement of the County in the Hospital including the tax dollars, the County owned property that the facilities are on and the obligation of the County to make the hospital whole if it experienced a financial hit and his belief that there is a financial connection so there is a reason for a County Commission presence on the Board. Commissioner French explained the positive aspect of having a Commission representative on the Board. Chairman Cassinelli noted the information provided to the Commission in their packets showed that all of the Hospital Board members liked the five member board idea. Commissioner Brissenden stated that she had been a part of that discussion and the reference had been to Mary Orr's empty board seat and that the County Commission seat was not mentioned. Commissioner Bell commented on his understanding of what had been discussed noting that the decision as to a five man board was not in the Hospital Board's purview but that the Hospital Board's opinion was that a five member board was what was wanted; he commented on the discussion that had occurred at the meeting related to how the hospital is run, the issues with tie votes in the past, that the presence of the Commission member has not changed anything, that there are five elected members to represent the public and stated his belief that the Commission should honor the board members preference of five members. Commissioner Brissenden again noted that the discussion at the meeting had been related to the vacant seat on the Board which she had requested be placed on the agenda to determine what was going on with filling that seat. Commissioner French offered concurrence with Commissioner Bell's statement that the ability to change the number of board members was not within the Hospital Board's purview but noted that what had been requested was a formal action by the Board saying whether or not they wanted to see a change and if a majority comes back saying they would like to see an ordinance change, then as a body it is brought forward to the County Commission

3/17/2014

Page 8 of 13

and that formal action has not occurred in a public meeting with debate as opposed to being privately polled . O. Kent Maher, Hospital Board legal counsel, appeared before the Board and stated that they were not privately polled, that it was an agenda item on the hospital meeting agenda that those comments came from, that it was a public meeting. Commissioner French noted that the comments were in reference to Mary Orr's seat. Mr. Maher stated that it was not, that the agenda item had nothing to do with Mary Orr's seat, it had to do with what the board members thought about the board and as he has said the hospital board does not have jurisdiction in this matter but their opinions indicate they prefer the five member board; he also noted that they have no jurisdiction over the vacant seat either. Commissioner Brissenden noted the language of the agenda stating that she had requested the item related to the vacant seat be placed on the agenda and that none of the members discussed the Commission presence they just said they were okay with one less member. Mr. Maher stated that is the question before the Board, the one less member; he noted that legally you couldn't have a four member board, four elected and one County Commissioner, that is not allowed by law, the law provides for five elected members and under current statute, if a hospital district was formed today, you could not have a County Commission member on the board. Mr. Maher further offered clarification as to Commissioner French's statements regarding the County's financial responsibility for the hospital, stating that was not so as the Department of Taxation would come in and determine what needed to happen and there would be a very limited circumstance when a County Commission acts in the capacity of an ex-officio board which is a change from what could occur in the past. Discussion occurred regarding the Hospital Board's ability to appoint board members in certain circumstances. Commissioner Bell commented on the best representation being in the form of a five member board noting that it is an elected board and would meet with the current statutes. Commissioner Brissenden stated that the public wants the additional oversight and that Commissioner Bell should not be involved in this discussion as he is an employee of the hospital. Commissioner Bell disagreed that he should not be participating and continued his comments including comments on the state of the current hospital and on the Ethics Commission's questions regarding the board being a six member board. Commissioner Brissenden commented on the public's comfort with having their County representative on the board. Commissioner Bell continued commenting on the functionality of a five member board. Commissioner French noted that during the time he served as the Commission representative on the Hospital Board and during Commissioner Giordano's time on the Board, this change had not been discussed but the current appointee has not been as well received so he finds the request to change the board make up suspect and questions the motivation behind it. Both

3/17/2014

Page 9 of 13

Commissioner Bell and Mr. Maher noted tie votes by the board in the past. Commissioner French noted that, while he was the Commission representative on the Hospital Board, he had way more contact from the public regarding the Hospital Board than he did related to the County Commission and he would say that the public is looking for more representation not less and the perception by the public is that this action is being taken to manipulate make up of the Board which he hopes is not the case. Commissioner Bell stated that comments from the public that he has received have been okay with the change; he noted that the comments received at prior meetings had to do more with complaints about the pricing, doctors and how the hospital is run and this has nothing to do with that, it has to do with what is the best make up of a board. Commissioner Brissenden asked about a five person board including the County Commission representative. Mr. Maher stated that would not be allowed under statute. Commissioner Bell commented on the perception by the public that the County runs the hospital which is not true. Chairman Cassinelli observed that the public does call the County Commissioner rather than then the Hospital Board members which he thinks is sad because it shows a lack of respect for the Board members that the people elected; he stated that he does not think that is right and that it should be the elected Hospital Board members that run the hospital. He further noted that the County does not have deep enough pockets to take on the hospital as it is now, maybe in the past but not now. Commissioner Cassinelli asked for public comment noting the need to keep the comments to the agenda topic.

Lewis Trout appeared before the Board and stated that he has contacted Hospital Board members directly other than the Commission representative; he commented on the number of members of the Regional Planning Commission being seven and suggested maybe the Hospital Board could be set at the same number with a representative from the City Council also being seated or the way to go might be putting forth a referendum question to the voters.

Clyde Wayland addressed the Board regarding the attendance of Hospital Board meetings and the way they were being conducted including his concern about Commissioner Brissenden being bullied at the meetings.

Massey K. Mayo addressed the Board and stated her disagreement with Mr. Maher on the interpretation of the law; she referred the Commission to the language of NRS 450.090(5). Mr. Maher explained that the cited statute applies only to a county hospital and that this hospital is not a county hospital but is a district. Ms. Mayo agreed that there may be a distinction but stated that the analogy is there to allow the Commission to continue with the law as it is in place which allows for the oversight of a Commissioner on the Board or would allow for putting forth a referendum to allow for seven persons on

the board; she stated that the voters should be heard on the issue and spoke in support of that noting the use of tax dollars for the operation of the hospital and the need for more transparency in government as opposed to less; she respectfully requested that the Commission deny the ordinance as presented today.

Glenda Deputy addressed the Board regarding the need for transparency and concurred with Ms. Mayo that no action be taken today, that the matter be given to the public to state their opinion. Commissioner Bell asked why Mrs. Deputy felt that the current hospital board is not transparent. Mrs. Deputy commented on things she has heard, her experiences with and perception of the hospital and the inability in Nevada to vote "none of the above"; she continued commenting on the pricing at the hospital. Discussion occurred between Mrs. Deputy, Commissioner Bell and Chairman Cassinelli regarding the issue.

Commissioner French stated that there needs to be representation by the Commission on the Hospital Board as long as tax dollars are diverted from real property tax dollars to the institution and that members of the community believe they own a piece of that hospital because of those tax dollars and that they need a presence on the board because of that; he continued noting that he did not believe this issue was so much transparency as it was about issues with the working relationship of the Board. Discussion occurred between Commissioner Bell and Commissioner French regarding the issue.

Dee Holzel addressed the Board noting that the School District receives tax dollars and is a self governing board; she commented that a five member board runs efficiently and she believes it to be sufficient, that the reason people come to the Commission is because they do not hear what they want to hear from the Hospital Board members.

Richard Cook addressed the Board regarding the upcoming election for the Hospital Board and the awareness of the people in demanding more accountability; he continued stating that a five member board is a good idea in his opinion but not in the way it is happening here, as this is an effort to manipulate the board; he offered comment on Commissioner Bell's participation in this matter and his belief that it is a willful violation of ethics and stated that he thinks Commissioner Bell should recuse himself, that they need to stay with the status quo as to the board make up, that he agrees with Commissioner French that the Hospital Board should discuss this and make a recommendation to this Commission and the Commission should seriously consider that recommendation.

Joe Gough addressed the Board stating his agreement with Mr. Cook as to Commissioner Bell having a conflict of interest; he continued stating that he was okay with a five person board but noting issues with the manner in which public comment and comments regarding action items are handled by the Hospital Board. Commissioner Bell responded to Mr. Gough's comments and stated that he had been

before the Ethics Commission previously and explained why they do not want him to abstain. Commissioner Brissenden commented on the statement by Mr. Gough regarding public comment and the manner in which it is handled by the Hospital Board. Mr. Gough stated his support of keeping the Commission member on the Hospital Board due to the ability to communicate with that person; he stated that he had concerns about the hospital.

Chairman Cassinelli asked for additional public comment. None offered. Chairman Cassinelli asked for additional comments from the Commission.

Commissioner Bell stated that he does not agree; that this is something that has been fully vetted with the public and that each Hospital Board member was asked specifically to weigh in on the issue and they did, that the public, here today, stated that they want a five member board; he questioned why representation can't be provided by the five member board that are elected to represent as the Commission oversight doesn't do anything. Chairman Cassinelli stated that, while he has had conversations in the past with former Commissioner Giordano as to why a Commission member is appointed to the Hospital Board, he must agree with Commissioner French in wondering why this is coming up now and it is kind of suspicious; that he has always just wanted the County to be out of the hospital as they can take care of it themselves but he does believe the people have a valid question as why at this time, with Commissioner Brissenden, are we trying to do this now. Commissioner Bell asked Mr. Maher if the Hospital Board can actually take a vote, not on the ordinance, but in some other manner to help. Chairman Cassinelli stated that the Commission should either vote on this or, as was suggested, go to the people to get their opinion rather than the Commission making the decision. Administrator Deist noted potential timing issues with getting the matter on the ballot. Commissioner French commented on the need for the Board to determine the will of the people even if it takes time and offered the following motion:

That for the time being the Commission does reject the ordinance until there is a clear indication from the public through a referendum or a poll or some form of independent analysis as to what the folks want to see and then it can be brought back to the Commission.

Discussion occurred regarding the ability to put an advisory question on the ballot. Chairman Cassinelli called Commissioner French's motion to a vote and it passed unanimously.

PUBLIC COMMENTS: Chairman Cassinelli asked for public comments. Mel Hummel commented on the lack of people signing up to run for the Hospital Board. Commissioner French responded to Mr.

Hummel noting his belief that it is a fear of the process and the conflict involved. Glenda Deputy thanked the Board for their decision. Chairman Cassinelli and Commissioner French commented on the issue.

ADJOURNMENT: Chairman Cassinelli adjourned the meeting at 2:27 p.m.

ATTESTED: _____ APPROVED: _____
Clerk Chairman

(Minutes approved by the Commission and signed by the Chairman on _____)

UNAPPROVED/UNOFFICIAL