

Jed Margolin
Ph: 775-847-7845

1981 Empire Rd.
jm@jmargolin.com

VC Highlands, NV 89521-7430
June 22, 2012

Office of the Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701-4717

Dear Sir or Madam,

1. This is a Complaint under NRS 241.040(4) **Open Meeting Law** against the Storey County Board of Commissioners for violating NRS 241.020(5) and NRS 241.020(6) by refusing to give me a copy of a document they discussed (and acted on) at their June 19, 2012 meeting. As a resident of Storey County I have standing to file this Complaint, assuming such standing is required.

May 17, 2012 – I sent an email to Pat Whitten requesting a copy of the current contract with the Nevada Public Agency Insurance Pool. See Exhibit 1 at 4. This contract was approved at the June 7, 2011 meeting of the Board of Commissioners. See Exhibit 2 at 23.

June 4, 2012 – I repeated my request. See Exhibit 1 at 9.

June 13, 2012 – I repeated my request again and noted that the approval of the new contract was on the Board of Commissioners Agenda for the June 19 meeting, and I requested a copy of that one, too. See Exhibit 1 at 12 for my request and see Exhibit 3 at 30 for the Agenda for the June 19 meeting.

June 19, 2012 – The Board of Commissioners approved the new contract with the Nevada Public Agency Insurance Pool.

As of today, I have not received either contract.

2. The Information Packet for the June 19 meeting contains a Summary of the contract, not the actual contract. See Exhibit 4 at 36. Thus, the Commissioners have violated the Open Meeting Law again.

3. One of the other items on the June 19 agenda (in the Consent Agenda, Exhibit 3 at 30) is:

*Approval for the lease of the #13 Bullion Car located at 131 South C Street to the V&T Railroad

For that item they provided the public with the actual lease agreement. See Exhibit 5 at 45. Therefore, when the Board of Commissioners approves an agreement it is their practice to provide it to the public.

Complaint

4. My complaint here against Storey County is that:

a. The Board of Commissioners approved an agreement with the Nevada Public Agency Insurance Pool at the June 21, 2012 meeting and failed to provide me with a copy of the agreement before the meeting even though I had properly requested it.

b. The Board of Commissioners continues to ignore my request for a copy of the agreement even now.

c. The Board of Commissioners approved an agreement with the Nevada Public Agency Insurance Pool at the June 7, 2011 meeting and have ignored my request for a copy of the agreement, even though I have properly requested it.

Respectfully submitted,

/Jed Margolin/

Jed Margolin

Virginia City Highlands, Nevada

Exhibit 1

Exhibit 1

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: <pwhitten@storeycounty.org>
Sent: Thursday, May 17, 2012 1:56 PM
Subject: County's Contract with Nevada Public Agency Insurance Pool

Hi, Pat.

I would like a copy of the County's contract with the Nevada Public Agency Insurance Pool.

I assume that since it was paid for with public money the contract is a public document.

Regards,

Jed

Jed Margolin

From: "Pat Whitten" <pwhitten@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Thursday, May 17, 2012 1:54 PM
Subject: Out of Office: County's Contract with Nevada Public Agency Insurance Pool
I will be out of the office until May 21st. If you have an urgent issue, please contact Holli or Jessie during normal office hours at (775) 847-0968. Thank you...

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: <admin@storeycounty.org>; <hkiechler@storeycounty.org>
Cc: <bsjovangen@storeycounty.org>
Sent: Thursday, May 17, 2012 2:27 PM
Subject: Fw: Out of Office: County's Contract with Nevada Public Agency Insurance Pool

> Hi, Pat.
>
>
> I would like a copy of the County's contract with the Nevada Public Agency Insurance Pool.
>
> I assume that since it was paid for with public money the contract is a public document.
>
>
> Regards,
>
> Jed

=====
----- Original Message -----

From: [Pat Whitten](#)
To: [jm](#)
Sent: Thursday, May 17, 2012 1:54 PM
Subject: Out of Office: County's Contract with Nevada Public Agency Insurance Pool

I will be out of the office until May 21st. If you have an urgent issue, please contact Holli or Jessie during normal office hours at (775) 847-0968. Thank you...

Jed Margolin

From: "Holli Kiechler" <hkiechler@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Thursday, May 17, 2012 3:36 PM
Attach: ATT00309.txt
Subject: Read: Fw: Out of Office: County's Contract with Nevada Public Agency Insurance Pool
Your message was read on Thursday, May 17, 2012 3:36:58 PM (GMT-08:00) Pacific Time (US & Canada).

Jed Margolin

From: "Pat Whitten" <pwhitten@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Thursday, May 17, 2012 4:52 PM
Attach: ATT00319.txt
Subject: Read: Fw: Out of Office: County's Contract with Nevada Public Agency Insurance Pool
Your message was read on Thursday, May 17, 2012 4:52:20 PM (GMT-08:00) Pacific Time (US & Canada).

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: <pwhitten@storeycounty.org>
Sent: Monday, June 04, 2012 2:52 PM
Subject: Fw: County's Contract with Nevada Public Agency Insurance Pool

Pat,

In case my request got lost.

Jed

=====

----- Original Message -----

From: [Jed Margolin](#)
To: pwhitten@storeycounty.org
Sent: Thursday, May 17, 2012 1:56 PM
Subject: County's Contract with Nevada Public Agency Insurance Pool

Hi, Pat.

I would like a copy of the County's contract with the Nevada Public Agency Insurance Pool.

I assume that since it was paid for with public money the contract is a public document.

Regards,

Jed

=====

Jed Margolin

From: "Pat Whitten" <pwhitten@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Monday, June 04, 2012 2:54 PM
Subject: RE: County's Contract with Nevada Public Agency Insurance Pool
Thanks Jed. I had emailed the initial request on to our broker and she has suggested I contact the Executive Director of the NPAIP which I will do today.

Pat



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

powered by: **vis**

04, 2012 2:53 PM
To: Pat Whitten
Subject: Fw: County's Contract with Nevada Public Agency Insurance Pool

Pat,

In case my request got lost.

Jed

=====

----- Original Message -----

From: Jed Margolin
To: pwhitten@storeycounty.org
Sent: Thursday, May 17, 2012 1:56 PM
Subject: County's Contract with Nevada Public Agency Insurance Pool

Hi, Pat.

I would like a copy of the County's contract with the Nevada Public Agency Insurance Pool.

I assume that since it was paid for with public money the contract is a public document.

Regards,

Jed

=====

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Pat Whitten" <pwhitten@storeycounty.org>
Cc: <commissioners@storeycounty.org>; <bkershaw@storeycounty.org>; <bsjovangen@storeycounty.org>; <ghess@storeycounty.org>; <scda@storeycounty.org>; <pwhitten@storeycounty.org>; <hkiechler@storeycounty.org>
Sent: Wednesday, June 13, 2012 11:03 PM
Subject: Re: County's Contract with Nevada Public Agency Insurance Pool

Pat,

I still haven't gotten a copy of the Nevada Public Agency Insurance Pool contract that I asked for on May 17.

I see that approval of the new contract is on the Board of Commissioners Agenda for the June 19 meeting. I would like a copy of that one too, please.

Jed

=====

----- Original Message -----

From: [Pat Whitten](#)
To: [jm](#)
Sent: Monday, June 04, 2012 2:54 PM
Subject: RE: County's Contract with Nevada Public Agency Insurance Pool

Thanks Jed. I had emailed the initial request on to our broker and she has suggested I contact the Executive Director of the NPAIP which I will do today.

Pat



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

powered by:

04, 2012 2:53 PM
To: Pat Whitten
Subject: Fw: County's Contract with Nevada Public Agency Insurance Pool

Pat,

In case my request got lost.

Jed

=====

----- Original Message -----

From: [Jed Margolin](#)

To: pwhitten@storeycounty.org

Sent: Thursday, May 17, 2012 1:56 PM

Subject: County's Contract with Nevada Public Agency Insurance Pool

Hi, Pat.

I would like a copy of the County's contract with the Nevada Public Agency Insurance Pool.

I assume that since it was paid for with public money the contract is a public document.

Regards,

Jed

=====

Jed Margolin

From: "Pat Whitten" <pwhitten@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Thursday, June 14, 2012 6:24 AM
Attach: ATT00251.txt
Subject: Read: Re: County's Contract with Nevada Public Agency Insurance Pool
Your message was read on Thursday, June 14, 2012 6:24:19 AM (GMT-08:00) Pacific Time (US & Canada).

Jed Margolin

From: "Greg Hess" <ghess@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Thursday, June 14, 2012 7:54 AM
Attach: ATT00261.txt
Subject: Read: Re: County's Contract with Nevada Public Agency Insurance Pool
Your message was read on Thursday, June 14, 2012 7:54:40 AM (GMT-08:00) Pacific Time (US & Canada).

Jed Margolin

From: "Holli Kiechler" <hkiechler@storeycounty.org>
To: "jm" <jm@jmargolin.com>
Sent: Friday, June 15, 2012 10:03 AM
Attach: ATT00271.txt
Subject: Read: Re: County's Contract with Nevada Public Agency Insurance Pool
Your message was read on Friday, June 15, 2012 10:03:30 AM (GMT-08:00) Pacific Time (US & Canada).

Exhibit 2

Exhibit 2

STOREY COUNTY COMMISSION MEETING

TUESDAY, JUNE 7TH, 2011 1:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

BOB KERSHAW
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

GREG "BUM" HESS
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

Roll Call.

Present: Sheriff Gerald Antinoro, Fire Chief Hames, Vice-Chairman Greg Hess, Chairman Bob Kershaw, Administrative Officer Holli Kiechler, District Attorney Bill Maddox, Commissioner Bill Sjovangen and County Manager Pat Whitten.

CLOSED SESSION 1:00 P.M. Closed meeting pursuant to NRS 288.220(4) for the purpose of conferring with the County's management regarding labor negotiations.

CALL TO ORDER AT 1:00 P.M.

The meeting was called to order by The Chair at 1:06 P.M.

Motion: Move to closed meeting to confer with County Management regarding labor negotiations pursuant NRS 288.220(4), **Action:** Approve, **Moved** by Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes=2).

Session closed with recording devices off.

BREAK

The Chair called for a recess at 1:50 P.M.

Roll Call.

Present: Sheriff Gerald Antinoro, Recorder Jen Chapman, Director of IT James Deane, Director of Community Services Deny Dotson, Comptroller Hugh Gallagher, Director of Community Development Dean Haymore, Vice-Chairman Greg Hess, Chairman Bob Kershaw, Administrative Officer Holli Kiechler, District Attorney Bill Maddox, Senior Planner Austin Osborne, Bailiff Josh Rothschild, Commissioner Bill Sjovangen and County Manager Pat Whitten.

CALL TO ORDER AT 2:00 P.M.

The standard open Commission meeting was reconvened by the call of the Chair at 2:07 P.M.

County Manager Pat Whitten disclosed the relationship of AFSCME Union President Tobi Whitten as his daughter and stated that the benefits under that contract usually mirror his and Administrative Officer Holli Kiechler in their unrepresented positions. He also disclosed Sheriff employees Keith Kiechler as Holli's husband and Bart Lambert as her brother.

DISCUSSION/POSSIBLE ACTION: Approval of modifications and extension of the Agreement between Storey County (Employer) and the Storey County Employee's Association (Union) also referred to as AFSCME Local Union.

Mrs. Kiechler said the AFSCME negotiation was very thorough with language clean up and fiscal items were discussed. The contract is up for a 2 year renewal at an increase of \$20,867.09.

Motion: Approve of modifications and extension of the Agreement between Storey County (Employer) and the Storey County Employee's Association (Union) also referred to as AFSCME Local Union, **Action:** Approve, **Moved by** Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

Vice-Chairman Hess thanked Tobi Whitten and Gerrie Honea for their time and effort spent in the negotiation process.

DISCUSSION/POSSIBLE ACTION: Approval of modifications and extension of the Agreement between Storey County (Employer) and the Storey County Sheriff's Office Employee's Association (Union) also referred to as OE3 Local Union.

Mrs. Kiechler stated that this group had not bargained in a while which resulted in about 24 of the 28 articles being changed. The negotiations resulted in a

savings of \$73,595.04. Vice-Chairman Hess thanked Keith Kiechler for his time and efforts in negotiating the contract that hadn't been scrutinized in 5 years.

Motion: Approve of modifications and extension of the Agreement between Storey County (Employer) and the Storey County Sheriff's Office Employee's Association (Union) also referred to as OE3 Local Union, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Hess.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

DISCUSSION/POSSIBLE ACTION: Approval of Memorandum of Understanding between Storey County (Employer) and the Storey County Firefighters Association (Union) also referred to as IAFF Local 4227.

Mrs. Kiechler said they were unable to bargain due to deadline issues. They have instead entered into a Memorandum of Understanding that increases salaries for a change of \$37,500. Mr. Whitten thanked Fire Chief Hames.

Motion: Approve Memorandum of Understanding between Storey County (Employer) and the Storey County Firefighters Association (Union) also referred to as IAFF Local 4227, **Action:** Approve, **Moved by** Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

PLEDGE OF ALLEGIANCE

The Chair led those present in the Pledge of Allegiance.

PUBLIC COMMENT

Brett Tyler, Board Member of the Washoe Storey Conservation District, gave an update on the Community Garden. He distributed a map and stated that they have had a lot of community support and donations. The area has been graded, there is dirt and they have a lead on fencing. Vice-Chairman Hess stated that Troy Regas and Sara have given time, equipment, rock and dirt to the project.

Darren McKay, Community Chest Youth Development & Prevention Coordinator, stated that they are very happy with the Community Garden and walking trail. He has been working with Hillside students at the After School Exercise Program. He voiced concerns from students in Virginia City regarding the skate park. They need a new location and plan to bring a student committee in front of The Board to discuss.

Troy Regas, a property owner in Rainbow Bend, has noticed more people out walking now with the path. He is happy to help with the Community Garden and also thanked Connie Butts and wished her well on her pending departure.

Mark Joseph Phillips, a Storey County resident, spoke of the May 16th minutes in regards to the discussion of zero net proceeds from mining and projections of zero proceeds. He stated that the Recorder's office has information available on mining permits and fees and the Planning Department has information on mining and exploration applications.

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, and without an extensive hearing. 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. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

Approval of Agenda for June 7, 2011
Approval of Minutes from May 3, 2011
Approval of Minutes from May 16, 2011

Correspondence - Staff Recommendation Summary regarding Union Contracts. Picture of Lockwood Community Garden submitted by Brett Tyler. E-mail from Pat Whitten regarding Taormina Antenna Towers Alternative Motion F. POOL/PACT brochure. January 9, 2009 letter regarding nuisance complaint. Buddy Morton display board presentation explanation.

Approval of Claims - Payroll May 27, 2011 & Warrants May 20, 2011 and June 3, 2011

Approval of Maps - none

Approval of Assessor corrections to the Tax Roll - none

Approval of Treasurer's Report - April 2011

Approval of Planning Commission Minutes - none

Approve New and/or Revised County Policies - none

Approve Western Nevada HOME Consortium Interlocal Agreement.

Approval of Resolution 11-328 to augment the 2010/2011 budget of Storey County General Fund.

Approval of Resolution 11-329 to augment the 2010/2011 budget of Storey Fire Fund

Approve First Reading, add Cabaret License to existing, Greg Sutherland, Silver Dollar Saloon.

Approve First Reading, Out of County License to Martin Wellman, Protect A Home.

LICENSING BOARD:

FIRST READINGS:

- 1. DMC, Inc. dba MOODY WEISKE** – Contractor / 103 Keystone Avenue ~ Reno
- 2. RENO TILE & MARBLE, INC.** – Contractor / 1660 Clifford ~ Reno
- 3. WILLIAMS SCOTSMAN, INC.** – Contractor / 4911 Allison Parkway ~ Vacaville, CA
- 4. THE ROASTING HOUSE – HB / 4770 Livery Road**
- 5. MISSOURI PACKAGING SVCS, INC.** – Contractor / 400 West St. Eunice ~ Fulton, MO
- 6. ADRIANA’S ANTIQUES – HB / 2589 Keystone Circle, VC**
- 7. GROVES FISCHER, INC** – Contractor / 7788 White Fir Street ~ Reno
- 8. GSI COMMERCE SOLUTIONS, INC. –General / 2777 USA Parkway, TRI**
- 9. CHICKEN HAWK TRANSPORT – Transportation / 235 London, TRI**
- 10. DTS TOW, INC.** – General / 3051 Deer Run Road ~ Carson City, NV

END OF CONSENT AGENDA

Motion: Approve Consent Agenda, **Action:** Approve, **Moved by** Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

DISCUSSION: Committee/Staff Reports

Community Development Director Dean Haymore

1. Benco Dental will hold their Grand Opening on August 10, 2011.

Recorder Jen Chapman

1. Recorded maps are being integrated into the indexing system for public access on the internet in the next couple of months.

Assessor Jana Seddon

1. Assessor Bill SB249 passed which will allow for electronic filings of veteran exemptions and continues the 2% tech fund for 2 more years which will help all areas keep up with technology and produce updated GIS maps.
2. There were 3 cases brought to the State Board of Equalization in which none were granted a change in value.

Community Services Director Deny Dotson

1. The Sprectre Challenge will take place on June 18-19 on the Truck Route. They added a parade and exotic car show of over 100 cars.
2. It is a struggle each year to put on a great Fireworks Show. Facebook ranks Virginia City in the Top 10 places to watch fireworks.

Canyon GID Manager Connie Butts

1. Introduced her replacement, Mitch Andreini, who has 27 years of experience at Sierra Pacific.

County Manager Pat Whitten

1. Welcomed Mitch Andreini and stated that he "has huge shoes to fill".
2. Expanded on the Assessors Tech fund and how it benefits all County Departments. He thanked Ms. Seddon for her generosity.
3. Suggested cancelling the second meeting in July due to conferences.
4. The Legislature has closed with no anticipation of a special session. The anticipated impact of \$246,000 is down to about \$60,885.

DISCUSSION/POSSIBLE ACTION: Carol Ingalls - Acceptance of renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2011-2012 funds.

Carol Ingalls and her associate Doug Smith of POOL/PACT, announced that the renewal of the County property and liability insurance is holding at a 4% increase. There were small changes in property values and exposures such as emergency runs and volunteer EMT's. Mr. Whitten complimented Carol and Doug for their amazing analysis of our needs.

Motion: Approve renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2011-2012 funds, **Action:** Approve, **Moved by** Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

DISCUSSION/POSSIBLE ACTION: Colleen Sievers – Bureau of Land Management: Presentation/Update on the proposal to reduce site safety hazards at the United Comstock Merger Mill at American Flat. This presentation also includes information on the public review and comment process for the project's DRAFT Environmental Assessment, identification of historic properties along with the BLM process for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and an opportunity to ask questions.

Colleen Sievers, Project Manager with BLM in Carson City, gave a brief update on American Flat Mill. She explained the purpose of Section 106 of the National Historic Preservation Act and submitted a handout. Chairman Kershaw questioned where funding for any action might come from. Ms. Sievers stated that funding would be figured into BLM's budget. Several people did attend a Public Meeting at the BLM office and more written comments are encouraged. Mr. Whitten suggested the County sign on as a consulting party with Austin Osborne as the primary contact. Storey County would then be at the table deciding on the mitigation.

No Action, Discussion Only.

DISCUSSION/POSSIBLE ACTION: Second Reading, Out of County License to Paul K. Singh, John F. de Podesta and Thomas Kloster, Primus Telecommunications, Inc.

Sheriff Antinoro asked to continue the item until he could further review.

Motion: Continue Second Reading, Out of County License to Paul K. Singh, John F. de Podesta and Thomas Kloster, Primus Telecommunications, Inc., **Action:** Approve, **Moved by** Vice-Chairman Hess, **Seconded by** Commissioner Sjovangen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

DISCUSSION/POSSIBLE ACTION: Second Reading, On-Sale Liquor License to Comstock Mining Inc., Gold Hill Hotel (change of officers/directors).

Sheriff Antinoro said the background check is completed and asked for approval.

Motion: Approve Second Reading, On-Sale Liquor License to Comstock Mining Inc., Gold Hill Hotel (change of officers/directors), **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Hess.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).
The Chair called for a recess at 2:49 P.M.

Reconvened by call of The Chair at 3:04 P.M.

DISCUSSION/POSSIBLE ACTION: Approve, Amend, Ignore, Reject, or Remand the action recommended by the Planning Commission in regards to the Application for Special Use Permit (SUP Application No. 2011-010) of Thomas Taormina. Item continued from the May 3 meeting of the Board of County Commissioners

Chairman Kershaw stated that this is a continuance of a previously heard item and asked that only new public comment is made. Senior Planner Austin Osborne stated that at the County Commission meeting of May 3rd, 2011, a timeline of actions was requested for further review. A staff timeline from 1997 to present was presented along with supporting documents such as building permits, building permit applications, emails and letters of correspondence. Mr. Osborne explained the submitted Enclosures with specific notes to Enclosure #5 as a timeline submitted by Tom Taormina's legal Council, Fred Hopengarten. County Manager Whitten submitted a suggested Alternative Motion F and asked for further clarification of "a relative". Mr. Hopengarten stated that he had no disputes to any of the dates in the timeline and asked to pass Motion F.

Chairman Kershaw asked for any additional Public Comment. Buddy Morton, a Virginia City Highlands resident, presented his own timeline. He wished for the laws to be enforced and all violations be fined. Mr. Morton continued to explain his presentation listing dates, events and violations involving the towers as well as a nuisance complaint that he had filed himself. He asked why a fence and a sidewalk are taxed but the towers are not. Mr. Morton asked for a written document stating that the Commissioners will address all the violations from the past 14 years. He then publically submitted another nuisance complaint. A round of applause followed from the audience.

Jed Margolin, a Virginia City Highlands resident, questioned the new negotiation to permit a relative, not just Tom or Midge Taormina, to keep the towers. He expressed concern that if the County doesn't give Mr. Taormina what he wants, he will sue the County again which will cost the County money. Mr. Margolin compared this situation to the Cordevista project where the County has the right to control its own destiny.

Kathleen Stormoen, a Virginia City Highlands resident, added information on the taxing of personal property and spoke of the permit process. She spoke of safety issues and encroaching on neighboring property.

Vice-Chairman Hess expressed his discomfort with how the towers were erected and the total disregard for neighbors. He would rather not have any towers obstructing the view of the entrance to the Highlands but may entertain a few 45 foot towers. Commissioner Sjovangen said it appears that everyone involved made errors.

Motion: Maintain all existing amateur HAM radio towers which have received approved Storey County building permits and deny those which have not been erected with an approved building permit, in no case will any tower exceed 45 feet in height, and to deny SUP 2011-010 and the owner of property should be in compliance with this within 90 days and if the house sells, forecloses or the passing, only towers with permits may stay, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Hess and Chairman Kershaw.

Vote: Motion carried by unanimous vote (**summary:** Yes = 3).

District Attorney asked to be authorized to negotiate with Mr. Hopengarten that as long as a Federal Case is started within 60 days, the County Codes won't be enforced.

LICENSING BOARD:

SECOND READINGS:

1. **DAVIS COMPANY, INC.** - Contractor / 2485 Sutro Street, Reno
2. **HARDESTY'S GENERAL REPAIR** - Contractor / 120 N. Main Street, Yerington
3. **COMSTOCK NITES** - Nonprofit / 76 North C Street, VC
4. **AM POWER SYSTEMS** - Home Business / 340 Prospector Road, MT
5. **ENVIRONMENTAL PROTECTION SERVICES** - Contractor / 3579 Hwy 50 E, Carson City
6. **KEITH SHAMBLIN CONSTRUCTION, INC.** - Contractor / 128 Hillcrest Circle, Dayton
7. **E CONKLIN RESTORATION** - Contractor / 46 Hardy Drive, Sparks
8. **SIERRA PAINTING, INC.** - Contractor / 265 Golden Lane, Reno
9. **JACKSON QUALITY DRYWALL** - Contractor / 2528 Business Parkway, Suite B, Minden
10. **SCHLUTER SYSTEMS, L.P.** - General / 100 Germany Circle, TRI

Mr. Haymore asked to continue Schluter Systems as they are still building.

Motion: Continue Second Readings of Licensing Board Item #10, Schluter Systems, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Hess.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

Mr. Haymore asked to approve Item #1 through Item #9.

Motion: Approve Second Readings of Licensing Board Items #1 through #9,

Action: Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Hess.

Vote: Motion carried by unanimous vote (**summary:** Yes = 2).

BOARD COMMENT

None

ADJOURNMENT

The meeting was adjourned by call of The Chair at 3:52 P.M.

Respectfully submitted by:

Jessie Fain
Storey County Deputy Clerk-Treasurer

Please note that these minutes have not yet been approved and are subject to revision at the next meeting. These minutes are presented in a summary format and are not verbatim.

Exhibit 3

Exhibit 3

STOREY COUNTY COMMISSION MEETING

TUESDAY, JUNE 19TH, 2012 2:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

BOB KERSHAW
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

GREG "BUM" HESS
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

***CALL TO ORDER AT 2:00 P.M.**

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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, and without an extensive hearing. 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. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

***Approval of Agenda for June 19, 2012**

***Correspondence -**

***Approval of Claims -**

***Approval of Maps -**

***Approval of Assessor corrections to the Tax Roll -**

*** Approval of Treasurer's Report - March 2012, April 2012 and May 2012**

*** Approve New and/or Revised County Policies -**

***Approval for the lease of the #13 Bullion Car located at 131 South C Street to the V&T Railroad**

***Approval of Resolution 12-343, A Resolution to amend provisions of the membership and budget approval of the Storey County Fair and Recreation Board (VCTC)**

***Approval of Resolution 12-344 to augment the 2011/2012 budget of Storey County Town of Gold Hill Fund**

***Approval of Resolution 12-345 to augment the 2011/2012 budget of Storey County Technology Fund**

***Approval of Resolution 12-347 to augment the 2011/2012 budget of Storey County General Fund**

***Approval of Resolution 12-348 Setting Salaries**

***Cancel Commissioners Meeting on July 17, 2012 due to participation at the National Association of Counties Annual Conference**

LICENSING BOARD

FIRST READINGS:

- 1. ALTITUDE PROPERTIES, LLC - General/55 North C Street, VC**
- 2. GATEWAY TO RELAXATION, LLC - General/11536 Deodar Way, Reno**
- 3. RENO SNAX - General/800 Stillwell Road, Suite 40, Reno**

END OF CONSENT AGENDA

DISCUSSION: Committee/Staff Reports

***DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 12-350 honoring Cindy Wiley

***DISCUSSION/POSSIBLE ACTION:** Canvass of the Election Results for the Primary Election held in and for Storey County on June 12, 2012

***DISCUSSION/POSSIBLE ACTION:** Acceptance of renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2012/2013

***DISCUSSION/POSSIBLE ACTION:** Acceptance of bid for Gasoline, Diesel and Furnace Oil vendor for FY 2012/2013.

***DISCUSSION/POSSIBLE ACTION:** Acceptance of bid for Propane vendor for FY 2012/2013

RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER BOARD

- **Board members of the Storey County Water and Sewer Board are the same as the Storey County Commission**

***DISCUSSION/POSSIBLE ACTION:** Approve Resolution 12-342 making changes to water rates in Virginia City, Gold Hill and Silver City and sewer rates for service in Virginia City and Gold Hill. This includes increases in monthly flat rates for both commercial and residential water and sewer service consistent with annual step increases recommended in the 2011 Water and Sewer Rate Analysis prepared by Farr West Engineering.

ADJOURN TO CONVENE AS THE NRS 474 STOREY COUNTY FIRE PROTECTION DISTRICT BOARD

- **Board members of the Storey County NRS 474 Fire Protection District Board are the same as the Storey County Commission**

***DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 12-346 to augment the 2011/2012 budget of Storey County Fire Fund

ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

***DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 12-349 abolishing the Storey County Public Library Board as requested by the Storey County Public Library Board at their meeting of June 6, 2012

***DISCUSSION/POSSIBLE ACTION:** Approval of necessary transfers in the General Fund from contingency account for fiscal budget 2011-2012

***SHERIFF LICENSING BOARD:
SECOND READINGS:**

COMMUNITY DEVELOPMENT & PLANNING

***DISCUSSION / POSSIBLE ACTION:** Approve, Amend, Ignore, Reject, or Remand the action recommended by the planning commission on April 5, 2012, and the approval of the Board of Storey County Commissioners on May 21, 2012, in regards to the Application for Special Use Permit (SUP Application No. 2012-014) for Vista Towers proposal to install one "monopine" commercial wireless

communications tower on property located in the Virginia City Highlands.

***DISCUSSION / POSSIBLE ACTION:** Approve, Amend, Ignore, Reject, or Remand the action recommended by the planning commission on May 3, 2012, and the approval of the Board of Storey County Commissioners on May 21, 2012, in regards to the Application for Special Use Permit (SUP Application No. 2012-016) by Kerry Lamorey to operate a home occupation business including dog training and grooming, and the keeping of large domestic animals (sheep and goats) beyond the maximum number allowed at 558 Sutro Springs Rd. (APN 003-274-08), Mark Twain.

***LICENSING BOARD
SECOND READINGS:**

1. SILVER DOLLAR MINE - General/11 North C Street, VC
2. J&J POOL SERVICE - Home Business/3650 Palisade Rd, VCH
3. LAILA FOODS dba SUBWAY RESTAURANT - General/420 USA Parkway #102, TRI
4. FULCRUM SIERRA BIOFUELS, LLC - General/222A East Sydney, TRI

BOARD COMMENT

ADJOURNMENT

**ANY ITEM MARKED WITH AN * MAY BE ACTED UPON BY THE BOARD
NOTICE:**

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the beginning of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to two minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.

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 Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

In accordance with Federal law and U.S. Department of agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of civil rights, 1400

Independence avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or 202-6382 (TDD). USDA is an equal opportunity provider, employer, and lender.

The TTY, VCO voice carry over) or HCO hearing carry over) number is 800-326-6868; voice only 800-326-6868. Check the customer Guide section of your telephone book under Services for Individuals with a Hearing or Speech Disability.

CERTIFICATION OF POSTING

I, Vanessa DuFresne, Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before June 13, 2012; Virginia City Post Office, Storey County Courthouse, Virginia City Fire Department, Six Mile Canyon Fire Department, Virginia City Highlands Fire Department and Lockwood Fire Department.

By _____
Vanessa DuFresne, Clerk-Treasurer

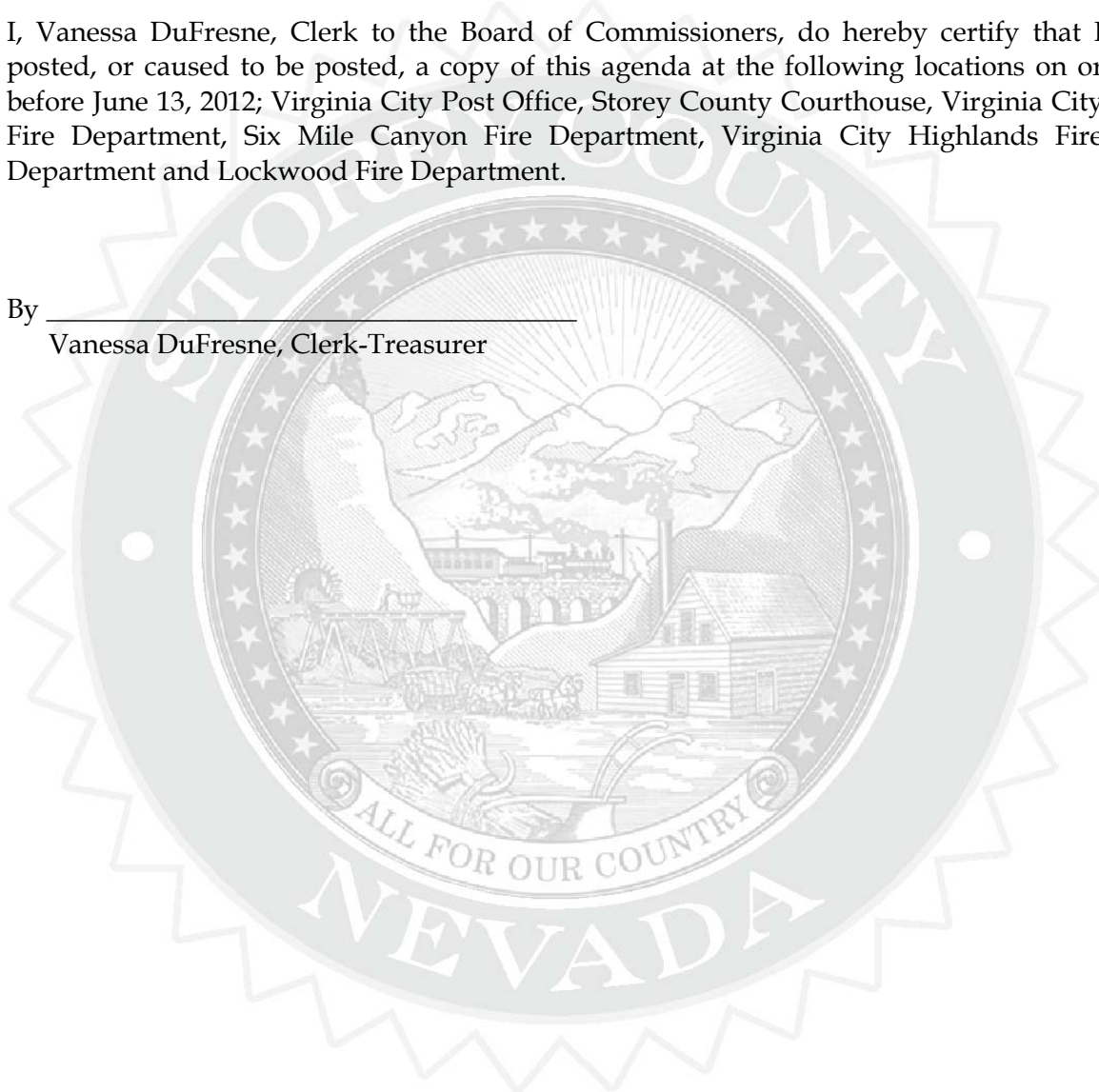


Exhibit 4

Exhibit 4

POOL insurance renewal proposal



The Power Of The PoolSM

poolpact.com

MEMBER COVERAGE SUMMARY

Prepared For:

Storey County

Prepared By:

Ingalls & Associates

This summary is intended for reference only. For specific terms, conditions, limitations and exclusions, please refer to the POOL Coverage Form edition July 1, 2012.

Dear POOL Member:

Thank you for your renewed commitment to the Nevada Public Agency Insurance Pool (POOL). In 1986, four counties in Nevada formed their own municipal risk sharing pool and now a quarter of a century later, the vast majority of Nevada's rural public entities remain committed to each other and the mission of this organization. We are very proud to be celebrating our 25th year anniversary.

We are pleased to provide this Member Coverage Summary for your review. In 2012, we continue to excel and provide an unparalleled level of service to our members even in challenging economic conditions.

The POOL/PACT Board is an impressive group of dedicated, hardworking, and ethical leaders in public sector risk management. They continue to do a superb job of representing the interests of the Member-owners of POOL.

Our members continue to see great value in being part of POOL/PACT because of the extensive services, thus membership retention remains strong. We encourage you to discuss the services we offer with your insurance agent, a valued partner in the POOL program. Details on the financial performance and the services we offer are available on our website at www.poolpact.com.

If you have any questions, please call us toll free: (877) 883-7665 or (775) 885-7475.

Sincerely,



Wayne Carlson
Executive Director
Nevada Public Agency Insurance Pool
Public Agency Compensation Trust

NPAIP Membership

Counties:

Churchill County
Douglas County
Elko County
Esmeralda County
Eureka County
Humboldt County
Lander County
Lincoln County
Lyon County
Mineral County
Nye County
Pershing County
Storey County
White Pine County

Towns:

Town of Gardnerville
Town of Genoa
Town of Minden
Town of Pahrump
Town of Round Mountain
Town of Tonopah

School Districts:

Churchill County School District
Douglas County School District
Elko County School District
Esmeralda County School District
Eureka County School District
Humboldt County School District
Lander County School District
Lincoln County School District
Lyon County School District
Mineral County School District
Nye County School District
Pershing County School District
Storey County School District
White Pine County School District

Cities:

Boulder City
City of Caliente
City of Carlin
City of Elko
City of Ely
City of Fernley
City of Lovelock
City of Mesquite
City of Wells
City of West Wendover
City of Winnemucca
City of Yerington

Fire Districts:

North Lake Tahoe Fire
Protection District
Pahranagat Valley Fire
District
Sierra Fire Protection
District
Tahoe Douglas Fire
Protection District
Truckee Meadows Fire
Protection District
Washoe County Fire
Suppression District
White Pine Fire District

Others:

Central Nevada Regional Water
Authority
County Fiscal Officers Association of
Nevada
Douglas County Redevelopment
Agency
Elko Central Dispatch
Elko Convention & Visitors Authority
Humboldt River Basin Water
Authority
Nevada Association of Counties
Nevada Commission for the
Reconstruction of the V & T Railway
Nevada League of Cities
Nevada Rural Housing Authority
Pershing County Tourism Authority
Truckee Meadows Regional Planning
Agency
U.S. Board of Water Commissioners
Virginia City Convention & Tourism
Authority
Western Nevada Regional Youth
Center

Special Districts:

Alamo Water & Sewer District
Amargosa Library District
Beatty Library District
Beatty Water & Sanitation District
Canyon General Improvement District
Carson-Truckee Water Conservancy District
Carson Water Subconservancy District
Churchill County Mosquito, Vector and Weed Control District
Coyote Springs General Improvement District
Douglas County Mosquito District
East Fork Swimming Pool District
Elko County Agricultural Association
Gardnerville Ranchos General Improvement District
Incline Village General Improvement District
Indian Hills General Improvement District
Kingsbury General Improvement District
Lakeridge General Improvement District
Lincoln County Water District
Logan Creek Estates General Improvement District
Lovelock Meadows Water District
Marla Bay General Improvement District
Minden Gardnerville Sanitation District
Moapa Valley Water District
Nevada Tahoe Conservation District
Pahrump Library District
Palomino Valley General Improvement District
Pershing County Water Conservation District
Sierra Estates General Improvement District
Silver Springs General Improvement District
Skyland General Improvement District
Smoky Valley Library District
Stagecoach General Improvement District
Sun Valley General Improvement District
Tahoe Douglas District
Tahoe Reno Industrial General Improvement District
Tonopah Library District
Virgin Valley Water District
Walker River Irrigation District
Washoe County Water Conservation District
West Wendover Recreation District
Western Nevada Development District

PUBLIC AGENCY INSURANCE POOL (POOL) COVERAGE SUMMARY

RENEWAL PROPOSAL	COVERAGE PERIOD	NAMED ASSURED	MAINTENANCE DEDUCTIBLE
	07/01/2012 – 07/01/2013 Standard Time	Storey County	\$5,000 all perils each and every loss

PROPERTY LIMITS

Blanket Limit per schedule of locations on file with POOL subject to a maximum limit of \$300,000,000 per loss. The following sub-limits apply to Section V. C. Extensions of Property Coverage:

Accounts Receivable	\$5,000,000 per loss
Arson Reward	10% up to \$25,000 per loss
Earthquake	\$100,000,000 aggregate
Flood	\$100,000,000 aggregate \$10,000,000 aggregate - Flood Zone A
Equipment Breakdown	\$60,000,000 per loss
Loss of Income & Extra Expense	included
Hazardous Substance Coverage	\$250,000 per loss
Spoilage Coverage	\$250,000 per loss
Data Restoration	\$100,000 per loss
Expediting Expenses	\$25,000 per loss
Unintentional Errors and Omissions	\$5,000,000 per loss
Money and Securities	\$500,000 per loss
Transmission Facilities	\$100,000 per loss
Vehicle Replacement	Per Attachment E, if applicable

LIABILITY LIMITS

The Limits of Liability are as follows:

Combined Single Limit	\$10,000,000	Each Event/Each Member
Liability Limits are further subject to sub-limits, Member Annual Aggregate Limits and Group Annual Aggregate limits.		

MEMBER CONTRIBUTION:

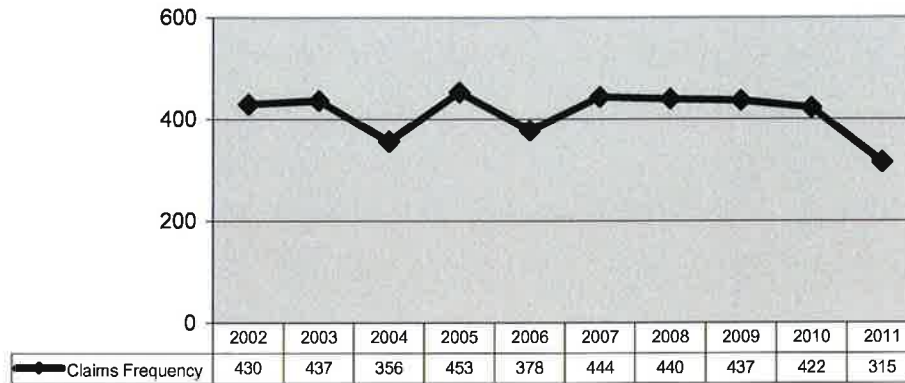
TOTAL COST:	\$299,826.52
AGENT COMMISSION:	\$20,980.00
TOTAL PROGRAM COST:	\$320,806.52

This summary is intended for reference only. For specific terms, conditions, limitations and exclusions, please refer to the POOL Coverage Form edition July 1, 2012.

TOTAL POOL EXPERIENCE

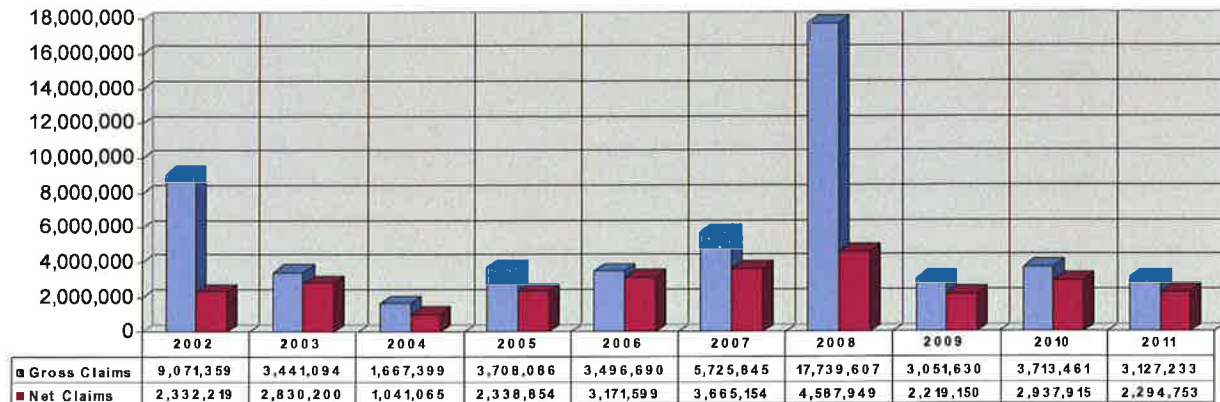
The claims count per year averaged 411 for the ten year period. Claims activity overall appears to be fairly stable.

POOL CLAIMS FREQUENCY



Severity, based on total loss costs incurred without deduction for excess/reinsurance or member deductibles, has averaged \$5,474,241 with the worst year (2008) at \$17,309,607 comprising 32% of total costs for all years. Net of member deductibles and of excess/reinsurance payments, 2008 also was the worst year at 17%. The POOL's retained incurred claims averaged \$2,741,826 for the period.

POOL CLAIMS SEVERITY



Ingalls & Associates LLC

4004 Ruth Court
Reno, NV 89509
Telephone: (775) 823-9422

Invoice

INVOICE NO: 01085
REFERENCE NO: 134
DATE: 05/29/2012
PAYMENT DUE DATE: 07/06/2012

Storey County
PO Box 176
Virginia City, NV 89440

Description: 2012 NPAIP Renewal including Pollution Legal Liability (\$16,108)

Producer	Company	Policy	Effective	Expires	Customer Service Rep
Ingalls, Carol	Nevada Public Agency Insurance Pool	NPAIP 201213	07/01/2012	07/01/2013	

Trans Code	Description	Amount
W	Renewal	336,914.52

Total Due 336,914.52

Payment is Due By 07/06/2012

Thank you for your business
Please return a copy of this invoice with your payment.

THANK YOU FOR YOUR BUSINESS!

Exhibit 5

Exhibit 5

Bullion Rail Car Lease



COMMISSIONERS OFFICE

PO BOX 176
VIRGINIA CITY, NEVADA 89440
Phone 775-847-0968
Fax 775-847-0949

Storey County Commission Staff Recommendation Summary

Meeting Date: June 19th, 2012

Consent Agenda Item:

Lease between Storey County and V&T Railroad for the #13 Bullion Rail Car located at 131 South C Street, Virginia City, NV.

Summary Notes:

Commissioners,

Tom Gray, with the V&T Railroad has offered to do some light maintenance (including new paint) on the #13 Bullion Rail Car in return for leasing out the car for the summer tourist season. He intends to sell tickets to the train, as well as serve as a location where visitors can find additional information on other attractions in Virginia City. The Virginia City Convention and Tourism Authority is scheduled to discuss and approve this item on June 14th, 2012.

The annual lease agreement rent will remain at \$1.00.

Staff Recommendation:

Approve as part of the Consent Agenda unless there is a request to remove and discuss separately. If removed to the regular agenda then:

Motion to approve the renewal of the Lease between Storey County and the V&T Railroad for \$1.00 per year.

RAIL CAR LEASE AGREEMENT

This agreement made, entered into and executed this _____ day of _____, 2012, by and between Storey County (hereinafter "Lessor") a political subdivision of the State of Nevada, and the Virginia & Truckee Railroad., (hereinafter "the Lessee"). Lessor and Lessee contract and agree as follows:

1. Lessor hereby leases unto Lessee the #13 Bullion Rail Car at 131 South C Street, Virginia City, which resides on a portion of Assessors Parcel # 01-074-01 owned by the Storey County Fair and Recreation Board: Virginia City Tourism Commission.
2. The term of this lease shall be for a term of 1 year, commencing on _____, 2012, and expiring at midnight on the same day in each subsequent year, and shall automatically renew unless Lessor or Lessee gives a 60 day(s) notice to said party to terminate agreement. The Agreement can be terminated at anytime if both parties mutually agree to terminate said Agreement.
3. During the primary term, Lessee shall pay to Lessor, as rental, the sum of \$1 Dollar US currency per year. (payable at the start of each term)
4. Lessee agrees to allow Storey County the use of the electric power during the Christmas season for Christmas lights. Provided however that the power utilized by Storey County shall not exceed the sum of \$100.00 during and Christmas season.
5. Lessee agrees to obtain approval from the Storey Community Development Department before any structural remodeling or improvement work is performed on the rail car, providing however, that the Lessee may perform maintenance work, including painting and minor repairs, without obtaining prior approval.
6. Lessee agrees to facilitate the preservation of the #13 Bullion Rail Car, as well as to occupy the rail car with suitable uses to ensure the ongoing preservation of the structure.
7. The lease shall terminate if the Lessee ceases to use the premises for the above-stated purposes or the Lessee ceases to exist.
8. Lessee is responsible for the lights, water, heat, and other utilities and for janitorial expense of the said structure during the term of the lease.
9. This lease may not be assigned nor may the premises be sublet without the prior written permission of the Lessor.
10. Indemnity: Lessor and Lessee shall indemnify and save harmless the other from any all losses, fines, suits, damages, expense, claims, demands and actions of any kind resulting from their negligence, breach, or violation or non-performance of any condition hereof.

RAIL CAR LEASE AGREEMENT

11. Lessee will maintain and keep the leased property in a clean orderly condition and will comply at all times with all lawful health, County and State regulations. Lessee shall permit Lessor and it's agents to enter the Property at all reasonable times to inspect or verify conditions of property.
12. Written notice to Lessee, all rent checks and all notices from Lessee to Lessor shall be served or sent to:

Storey County Tourism & Community Services Director,
PO BOX 176 Virginia City, Nevada 89440

All notices to be given under this Agreement shall be in writing and shall be served personally or sent by United States certified or registered mail.
13. This Agreement contains all of the agreements and conditions made between the parties hereto and may be modified in writing signed by all parties hereto or their respective successors in interest.
14. This Agreement shall be governed in accordance with the laws of the State of Nevada.

IN WITNESS WHEREOF, the parties hereto set their hands the day and year below written:

LESSEE:

Virginia & Truckee Railroad

By: _____

Tom Gray

V&T Railroad

LESSOR:

Storey County

By: _____

Bob Kershaw, Chairman

Storey County Board of Commissioners

By: _____

Ron Gallagher, Chairman

Virginia City Tourism Commission

By: _____

Vanessa DuFresne, Clerk / Treasurer

Date: _____