



STATE OF NEVADA  
**STATE CONSERVATION COMMISSION**  
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DRAFT MINUTES  
STATE CONSERVATION COMMISSION TELECONFERENCE

Tuesday, July 28, 2009  
Department of Conservation and Natural Resources  
Division of Conservation Districts Office & via teleconference  
901 S. Stewart Street, Room 5004, Carson City, NV 89701

The Nevada State Conservation Commission held a teleconference meeting on Tuesday, July 28, 2009 at 10:00am in Carson City, NV. The meeting was held in the Department of Conservation and Natural Resources Richard H. Bryan Building, Division of Conservation District's office, 901 S. Stewart Street, Suite 5004, Carson City, NV 89701. Instructions and a toll-free number were made available to those wishing to participate in the meeting.

The State Conservation Commission considered and acted on the following items on July 28, 2009.

**Board Members Present:** \*Joe Sicking, Paradise/Sonoma CD; \*Vance Vesco, Big Meadow CD; Chris Freeman, Nevada Tahoe CD; Eric Rieman, Carson Valley CD; \*Donna Lamm, Southern Nye County CD; \*Dr. Rangesan Narayanan, UNR College of Agriculture.

**Board Members Absent:** Joseph Fortier, CD of Southern Nevada; Ed Foster, Nevada Department of Agriculture.

**Others Present:** Jim Lawrence, Acting Administrator, NV Division of Conservation Districts; Kelly McGowan, NV Division of CDs; Sandi Gotta, NV Division of CDs; Brandi Re', NV Division of CDs; Bruce Peterson, NRCS; Kerry Benson, Deputy Attorney General, NV Attorney General's Office; \*Leland Wallace, Esmeralda CD; \*Gerrit Bakker, Lander CD; \*Marie Benson, Lander CD; \*Rudy Blossom, Duck Valley CD. \* Denotes those who participated via telephone.

**I. CALL TO ORDER-** Quorum established.

- A. Vice Chairman Sicking called the meeting to order at 10:05 am. Introductions were made of those present.
- B. Congratulations were offered to Commissioner Reiman and Commissioner Vesco on their reappointments to the Commission. Joseph Fortier was appointed by Governor Gibbons to replace Commissioner Judy Currier of Southern Nevada. Official notification has not been received to confirm Eric Rieman's reappointment or the appointment of Leland Wallace of Esmeralda as the replacement for Commissioner Keith Whipple in the At-Large position.

## II. REVIEW AND APPROVAL OF AGENDA - \*ACTION\*

A. The agenda was approved as written via a motion to approve by Commissioner Lamm, seconded by Commissioner Vesco, motion passed. Vice Chairman Sicking requested to discuss item VII-C first, however Kelly suggested we hold off until 10:15 am when the Duck Valley CD would be joining the teleconference to participate in the discussion. The Commission agreed to hold off until 10:15 am and proceed to division reports.

## III. REVIEW, AMENDMENT AND APPROVAL OF MINUTES - \*ACTION\*

A. *Approval of Minutes from June 10, 2009*: A motion to approve the minutes as written by Commissioner Vesco, seconded by Commissioner Freeman, motion passed.

## IV. PUBLIC COMMENTS

A. *Three minute time limit per person*. There were no public comments.

## V. REPORTS TO THE COMMISSION

A. Status of the Division of Conservation Districts

### 1. *General – Jim Lawrence –*

a. Mr. Lawrence confirmed the budgets have been finalized as previously reviewed with the commission. The division has been working on some projections in regards to in-state travel. The division will continue to be cautious with travel expenses and still maintain servicing the districts. Mr. Lawrence requested the commissioners' ask their districts to consider covering their travel expenses or a portion of the costs to the NvACD annual conference and commission meetings. The division could maintain its in-state travel obligations if the affected districts agree to cover their travel costs to the joint meeting. Vice Chairman Sicking agreed that districts need to absorb the costs of their travel.

### 2. *Conservation Districts Meeting Logs – Kelly McGowan & Sandi Gotta*

a. Kelly reviewed the meeting logs and reiterated that as of the June 10 meeting, 27 districts with the exception of Owyhee had held their required three meetings. Kelly confirmed that Owyhee met later in June at a meeting which he attended. To date all 28 districts are in compliance.

### 3. *General/Correspondence – Kelly McGowan & Sandi Gotta*

a. Kelly reviewed the receipt of the districts draft financials and the noted increase of match from 17 ½ % in FY08 to 21.73% in FY09, in addition to AB629. Nevada Tahoe showed a \$700,000 increase. It is encouraging that districts are looking at other sources of funding and other partnerships are being utilized.

## VI. REPORTS TO THE COMMISSION

A. *UNR College of Agriculture – Dr. Rangesan Narayanan –*

1. Dr. Rang announced Dean Thawley's return from New Zealand after suffering an accident in December. He is still currently on major medical leave and will continue to be for the next several months; however he is staying updated on department events.

2. Dr. Rang announced the College of Agriculture research budget cuts of 18%, teaching budget cuts of 11%, with an overall 15% cut for the college.

B. *NRCS – Bruce Peterson –*

1. Mr. Peterson informed the commission that their budget has been finalized and is now obligating contracts and getting programs on the ground. The 2010 budget is in good shape. No stimulus money was received in the state of Nevada.

2. The Plant Material Center in Fallon will construct a greenhouse and hot house in this fiscal year. They may have flexibility with some funds to purchase some equipment. If so, they would like to purchase a seeder. There are currently two positions available for a Farm Manager and Farm Hand at the Plant Material Center.

3. FRPP Funding – \$3.5 million contract to acquire three parcels of land in Washoe and Elko Counties. Projections are similar to last year. Bruce will further update Jim Lawrence on FRPP acquisitions.

4. Commissioner Sicking commented they would like to see Humboldt County included in a RC&D area. Bruce suggested expanding the current council as he could not foresee the budget supporting a fourth RC&D, but most likely could expand the council boundaries for one of their current RC&D coordinators to include Humboldt County.

C. *Nevada Association of Conservation Districts – Chris Freeman –*

1. Chris Freeman updated the Commission in Pam Griswold's absence. At the Commission's request to update their Strategic Plan during the November meeting, Mr. Freeman is working with Ray Ledgerwood and NvACD to coordinate planning sessions. He hopes to include sessions for NRCS and NvACD as well as the commission.

## VII. OLD BUSINESS

A. **Approval of amended Conservation District Budgets as per NAC 548.090, 548.100, 548.110 and 548.120 - \*ACTION\***

1. The Commission reviewed and approved all conservation district budgets in June. The Division of Conservation Districts did not receive any amendments. No action needed.

B. **Review and approval of all Conservation District Draft Financial Reports FY 2009 as per NAC 548.090 and NAC 548.110 - \*ACTION**

1. The Division of Conservation Districts received and reviewed Draft Financial Reports from all conservation districts with the exception of Vya Conservation District. Staff reviewed whether districts generated the required match to their grant. Vice Chairman Sicking agreed to have the division give notice to Vya that their grant will be withheld until the commission receives their draft financial report and will take action at the November meeting.

2. The Commission reviewed and approved the Draft Financial Reports for FY 2009 for 27 Conservation Districts with the exception of Vya CD. Commissioner Freeman made a motion to approve, seconded by Commissioner Rieman, motion passed. Final Financial Reports are due to the commission by September 30<sup>th</sup>.

C. Determination of District Standing as per NRS 548.178 and as per NAC 548.110 and 548.120 - \*ACTION\*

1. Mr. Lawrence reviewed that at the last commission meeting the preliminary finding was 25 districts out of the 28 were found to be in Good Standing with the exception of Owyhee, Lander and Duck Valley. Owyhee met all criteria for Good Standing with the exception that at the time of the last commission meeting they had not held the required three meetings. As Kelly reported previously, Owyhee has since met the criteria and held their third meeting within the required time. Staffs recommendation is that Owyhee CD be found in Good Standing. Lander and Duck Valley had met all of the requirements for Good Standing with the exception of holding an election of supervisors within the first 10 days of November. Elections were held by Lander and Duck Valley, although they were not held in the first 10 day timeframe as stated in NAC. They did report that after November they held a meeting and made appointments.
2. Staff reported that written explanation was received by Duck Valley and Lander as requested at the June 10, 2009 meeting. The districts provided written clarification as to why they did not hold their elections within the first 10 days of November. Both districts explained they had extenuating circumstances that were out of their control and proceeded to the best of their ability. Both districts were under the false assumption that a quorum needed to be present to hold the election at their scheduled meetings in November.
3. Lander CD, represented by Gerrit Bakker and Marie Benson explained to the Commission that they did not have a quorum and the new administrative assistant was unable to schedule a meeting successfully as she was unfamiliar with the regulations. Mr. Bakker acknowledged that the staff is now familiar and assured the commission that this will not happen again. Commissioner Lamm requested clarification from Kerry Benson, Deputy Attorney General of the regulation and what level of leniency the commission is allowed under such circumstances? Ms. Benson stated that it is generally accepted that agencies have the ability to interrupt their own regulations, however, that tends to imply a level of ambiguity in the regulation. Ms. Benson interpreted the regulation and although the regulation itself is clear; Ms. Benson noted that there are cases where a conservation district might be excused based on certain circumstance beyond their control and holding them accountable for those extenuating circumstance. Ms. Benson provided clarification that a quorum is not required to hold the election and urged the districts to seek advice from their local D.A. for clarification on any regulation they are unsure or unfamiliar with. Rudy Blossom represented Duck Valley CD identifying their situation simply as a staffing issue due to a number of secretarial resignations and problematic turn-over within their office as well as a lack of a quorum. He also stated that when their board realized their error, they then made appointments. Commissioner Freeman confirmed both CD's presently have full boards. Commissioner Vesco commented that he understands that districts have problems and that he would agree to find them in Good Standing as long as they agree to keep up on these matters. Commissioner Sicking was in favor of recognizing the districts as in Good Standing with the understanding that the commission does not see this conduct as favorable and that they will not be able to excuse these oversights in the future. Mr. Lawrence duly noted the timely reminder sent out by the division to all districts regarding election policy and procedures and provided additional

information to bring clarity to these questions. Commissioner Rang made a motion to find Duck Valley CD, Lander CD, and Owyhee in Good Standing, seconded by Commissioner Vesco, motion passed.

D. Equally award \$117,600 from the Basic Operating Grants to Districts program to districts that have been designated as eligible as per NRS 548.178 and NAC 548.120 and 548.130 - **\*ACTION\***

1. Commissioner Freeman made a motion to award grants to 27 districts with Vya's grant to be withheld until the November meeting, assuming the submission of their final financial report by that time, seconded by Commissioner Rieman, motion passed.

#### **VIII. NEW BUSINESS**

A. Staff reminded those present that District's Annual Reports and Final Financial Reports for FY 2009 are due by September 30, 2009. Kelly updated the commission that very few annual reports have been received to date, however, generally draft financial reports become final and that the division will be sending out reminders of the deadline to all of the districts.

#### **IX. STAFF ITEMS – Division Staff Comments**

A. Sandi updated the commission on AB629 and provided a spreadsheet report showing a total of \$237,000 (after the budget reduction from \$250,000) all funds were spent and the districts generated a match of \$5.2 million. Sandi will provide a full brief of the total expenditures in November.

#### **X. COMMISSIONER ITEMS**

A. September 12, 2009 from 10:00 am – 2:30 pm, Main Station Farm Tour – lunch will be provided, the commission and all staff are invited. Facilities available for districts that would like to set up a presentation, contact Dr. Rang for making arrangements.

B. Sandi encouraged the commission to relay any ideas for the November annual meeting to NvACD. Input would be greatly appreciated as Pam Griswold, NvACD President, is trying to boost the attendance by bringing in national speakers as well as address current conservation district issues.

#### **XI. PUBLIC COMMENTS**

A. Three-minute time limit per person. No public comment.

#### **XII. NEXT COMMISSION MEETING - \*ACTION\***

A. November 2, 2009 – meeting to be held in the afternoon, time to be announced.  
November 4, 2009 – 4:30 pm, scheduling will be firmed up and the commission will be notified once we have coordinated with NvACD and Mr. Ledgerwood.

B. Review CD resolutions brought to the commission from the NvACD meeting – i.e.: greater use of grey water, agricultural sustainability, and alternative energy sources.

C. The commission will have a planning session to update the strategic plan.

D. Possible award of Vya Conservation District's grant.

#### **XIII. ADJOURNMENT - \*ACTION\***

Commissioner Freeman made a motion to adjourn, seconded by Vice Chariman Sicking, meeting adjourned at 11:05 am.