



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 30, 2020 10:00 A.M.

DISTRICT COURTROOM  
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

## SPECIAL MEETING MINUTES

MARSHALL MCBRIDE  
CHAIRMAN  
ATTORNEY

ANNE LANGER  
DISTRICT

LANCE GILMAN  
VICE-CHAIRMAN

JAY CARMONA  
COMMISSIONER  
TREASURER

VANESSA STEPHENS  
CLERK-

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**ROLL CALL:** Chairman McBride, Vice-Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Chief-Deputy Clerk-Treasurer Dore Nevin, Clerk-Treasurer Vanessa Stephens, Comptroller Jennifer McCain, Deputy District Attorney Keith Loomis, Sheriff Gerald Antinoro

### **1. CALL TO ORDER MEETING AT 10:00 A.M.**

Meeting was called to order by Commissioner McBride at 10:00 A.M.

### **2. PLEDGE OF ALLEGIANCE**

Commissioner Marshall McBride led those present in the Pledge of Allegiance.

### **3. DISCUSSION/POSSIBLE ACTION:** Approval of Special Meeting Agenda for December 30, 2020.

Public Comment: None

**Motion:** I make a motion to approve the Agenda for December 30, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

### **4. PUBLIC COMMENT (No Action):** None

### **5. DISCUSSION ONLY (No Action-No Public Comment) :** Committee/Staff Reports No committee or staff reports.

### **6. BOARD COMMENT (No Action - No Public Comment):** No Board comments.

**7. DISCUSSION/POSSIBLE ACTION:** Discussion and possible approval for District Attorney's Office to commence such action as that office sees fit to determine the status of all or part of Long Valley Road and to name as defendants/respondents in such suit such person(s) as the District Attorney's office may choose.

District Attorney Anne Langer explained this is request for authorization to potentially file a lawsuit to determine the nature of Long Valley Road. There has been dispute for some time as to whether or this is a public or private road. In a lawsuit where the County is a party, the District Attorney's Office has to request authorization and support. This is the first time in six years where the District Attorney is requesting authorization to file a lawsuit on behalf of the County. This is based on, despite numerous attempts, determination needs to be made on whether Long Valley Road is a 2477 road. Clarification is needed from a Court of law.

Commissioner Carmona: To clarify, will this go before a Judge for a decision?

Ms. Langer: If suit is filed, a determination will be made by a court of law.

Commissioner Carmona asked if the Judge will make the final call on ownership.

Ms. Langer: Yes.

Sheriff Antinoro commented he is in support of getting clarification.

Public Comment:

**Nicole Barde , Storey County resident:** Who will be (named) in the lawsuit?

District Attorney Langer: A determination on the actual caption has not yet been made - the question cannot be answered at this time.

Chairman McBride: There's been controversy regarding Long Valley Road for many years, including people closing that road. He agrees with the District Attorney there is need to get final resolution on ownership of the road. We've been advised that tensions have escalated in that neighborhood. It's prudent for this Board to go forward and work with the District Attorney in getting final resolution.

**Guy Necoche:** Why is (the County) trying to determine whether his road is private or public?

Chair McBride: If it's a public road - it's open to anyone who wants to use it at any time. If privately owned, a person has the right to close it off.

District Attorney Langer: There has been a lot of controversy over this road the last couple of years. After looking at various remedies, (the County) is asking a Court of Law to intervene to determine whether (the road) is a public (2477) road or a private road.

Mr. Necoche: Still, no one has said why this is being done.

Chair McBride: As said earlier, tensions have escalated in that neighborhood, bringing us to this decision to decide whether to take legal action necessary to determine whether it's privately or publicly held.

Mr. Necoche: What is the purpose of it being public or private? The people who live there, own property there - correct?

Chair McBride: The first question has been answered. If it's public property - a private individual has no right to limit access to that road.

Mr. Necoche: There is no limited access on that road right now. There has been no problem driving up to his property. What is "behind the scenes" that (the County) needs this determination?

Ms. Langer: It's not anything behind the scenes - it's simply to determine whether it's public and people can have public access. There are varying decisions from different people in the County-at this point it will go forward to have a Court make the determination. Then there will be no question.

Mr. Necoche: He has heard that (the County) wants to use Long Valley Road as a road to the business park. Is that correct?

Chair McBride: That's not what we're to discuss. But, in answer: No, the County does not have intentions to improve this road to Lockwood or to TRI. This is simply to determine if this is a privately or publicly owned road - that is only being thing being talked about.

**Joseph Bowman :** Is this putting the "cart before the horse" with a lawsuit without doing historical research. Why hasn't the County hired a firm to do the research on the roads as they are?

Chair McBride: Someone has been hired to do that and we believe we have the information necessary to go forward with this action.

Mr. Bowman said he has done a lot of research on roadways in the area - from the summary (with this action), it is inaccurate. But we'll wait for the Court.

Mr. Necoche: If it is determined this is public - what are the consequences?

Chair McBride: It simply means that no one would be able to restrict access to that road - unless the County had to close it for any reason. Otherwise, the road would stay open - unobstructed. If that is how the Court decides.

**Gary Mack:** Based on the last comment, there are no consequences - he understands the idea of a public road - that access couldn't be restricted. Those who do have property in this area and who want to maintain that road for access - if it is a public road, will we be forbidden to maintain it?

Chairman McBride: The roads in the Highlands, outside of Lousetown and Cartwright - are all privately owned by the homeowners associations. The homeowners can do whatever they want to the roads.

Mr. Mack: The property owners need to maintain this road - is there going to be any concern if (homeowners) do continue to plow, add gravel, or maintain Long Valley Road?

Chair McBride said that's a good question - he is not prepared to answer it at this time. For individuals to maintain a publicly-owned road, he is not sure what the rules or consequences could be - if any. People have maintained parts of the road for access to their own property. Around Virginia City as well, when there were limited resources to move snow, private owners of snowplows did so. This has not been an issue in the past, he does not foresee this being an issue in the future. This would be something to ask after resolution from the Court on ownership of the road is received.

**Motion:** I, Commissioner Jay Carmona, move to authorize the District Attorney's Office to commence such legal action as that office sees fit to determine the status of all or part of Long Valley Road and to name as defendants/respondents as that office may choose, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

## **8. PUBLIC COMMENT (No Action):**

Mr. Necoche: Feels like it fell on "deaf ears".

Mr. Mack: Thank you (Chairman McBride) for your years of service to the County.

**9. ADJOURNMENT of all active and recessed Boards on the Agenda**

Chairman McBride adjourned the meeting at 10:20 A.M.

Respectfully submitted,

By: \_\_\_\_\_  
Vanessa Stephens Clerk-Treasurer