

Name of Organization: NEVADA STATE BOARD OF AGRICULTURE
Date and Time of Meeting: February 12, 2008 8:30 am
February 13, 2008 8:30 am
Place of Meeting: Department of Agriculture
350 Capitol Hill Ave
Reno NV 89502
775-688-1180

Minutes
Tuesday, February 12, 2008

Meeting was called to order by Chairman Lawrence Waugh at 8:30 am

1. Board Business

A. **Introduction of Board Members**

Ramona Morrison
David Cassinelli
Hank Vogler
Harvey Barnes
Lawrence Waugh
Jim Johnson
Dave Barton
Marta Agee
Benny Romero

Absent

Dan Hetrick

Elko Participants

Jim Connelley
Billie Brazeal
Deloyd Satterthwaite
JoAnn Mothershead
Lucia Grant
Andy Westby
Joan Holland
Sidney Merkley

Introduction of Guests

Doug Busselman
Jack Armstrong
Sandy Chereb
Tony Lesperance
Nancy Lesperance

Introduction of Staff

Mark Jensen
John O'Brien
Dawn Rafferty
Holly Pecetti
Phil LaRussa
Rick Gimlin
Donna Rise
Gina Session
Wendy Stewart

Las Vegas Participants

Rodney Zarling
Glen Hymas
Jay Steele
Paul Frigo
Kathleen Bednarz
Luke Barto
Scott Cichowlaz
Xenia Duranovic
George Botta

B. Director resignation

The members of the Board of Agriculture expressed their sadness at Donna Rise's departure. Donna Rise then thanked everyone for their help and support while she was Director.

C. Sexual Harassment Training, Presented by Tammy Smith, Equal Employment Opportunity Officer, State of Nevada

D. Develop a plan, which includes establishing the time line and selection criteria, for recruitment of a new Director and/or the appointment of a new Director.

- Request from Governor to appoint an interim Director
- Time line
- Rick Gimlin will assume the Director duties on February 21, 2008 if no interim Director is appointed
- This will be done through a national search
- Industry participation and engagement with the Department of Agriculture
- Job Description/Announcement
- Anthony "Tony" Lesperance's Resume
- Long- term benefit of agriculture

Anthony "Tony" Lesperance gave a presentation on why he would be interested in being the interim Director and his qualifications, goals and his time frame of eighteen months.

- Department of Agriculture must be industry driven
- Unified voice at the Legislature
- Industry would like more input in the choice of a new Director

Dave Cassinelli made a motion to post the position vacancy closing the application period in four months from February 21, 2008. Marta Agee seconded the motion, and the motion carried unanimously.

Harvey Barnes moved that we use the selection criteria that was used last spring, April 2007. Dave Cassinelli seconded the motion. Harvey Barnes amended motion to include up to the maximum salary allowed by the state. Dave Cassinelli seconded the change in the motion, and the amended motion carried unanimously.

Hank Vogler made a motion to offer the position of interim Director to Tony Lesperance until the new Director is in place at a salary of \$103,332, starting February 21, 2008 and upon approval of the Governor. Harvey Barnes seconded the motion, and the motion carried unanimously.

Gina Session will draft a letter to the Governor.

E. Election of Officers

Jim Johnson nominated Lawrence Waugh for Chairman of the Nevada State Board of Agriculture, Marta Agee seconded, Ramona Morrison nominated Hank Vogler. Harvey Barnes moved that nominations cease, and Benny Romero seconded the motion. Hank Vogler 2 votes, Lawrence Waugh 7 votes. Lawrence Waugh will be the Chairman of the Nevada State Board of Agriculture.

Dave Cassinelli nominated Alan Perazzo for Vice Chairman of the Nevada State Board of Agriculture, Harvey Barnes moved that nominations cease, and Hank Vogler seconded the motion. Alan Perazzo received 9 votes, and he is the Vice Chairman of the Nevada State Board of Agriculture.

- F. Approval of minutes from the December 10, 11, and 12, 2007 meeting
Harvey Barnes made a motion to approve the minutes of this meeting as written. Benny Romero seconded the motion. Ramona Morrison amended Harvey's motion to approve the minutes to the December 10, 11, and 12, 2007 meeting with the changes to the spelling of the name Michael Ingram to Michael Ingham and to show that the Board voted in the last meeting to have a water issues item on the agenda. Benny Romero seconded the motion as amended and the motion carried unanimously.
- G. Discussion of and possible decision to send letter regarding the reorganization of Cooperative Extension and Extended Studies programs
Harvey Barnes made a motion to send a letter to the Board of Regents. Ramona Morrison seconded the motion, and the motion carried unanimously.
- H. Develop policy and procedures for review of Deputy Attorney General (DAG) legal opinions, including circulation of DAG legal opinions to the Board and Board review requirements prior to action upon legal opinions
Hank Vogler asked to table this until tomorrow when we have more information. **Moved to tomorrow during item 8.**
- I. Develop policy and procedures for development and final approval of agenda
Ramona Morrison made a motion to send out the draft agenda by the Department to all members 4-5 weeks prior to meeting, Board to reply back within 3 days. Hank Vogler seconded. The vote was 1 yes, 2 abstain, 6 nays. Hank Vogler reminded all that the water issue needs to be on all agendas in the future.
2. Director's Report (Rise)
A. Goals and Objectives update
B. Possible training opportunities for Board consideration
Harvey Barnes made a motion that the Nevada State Board of motion, Agriculture request training when needed; Ramona Morrison seconded the motion, and the motion carried unanimously.
3. Division of Administration (Gimlin)
A. Board Policies
1. Does the Board of Agriculture desire to continue receiving Board packets two weeks prior to the scheduled Board meeting or would three to five days be sufficient?
Ramona Morrison made a motion that the Board receive the Board packet two weeks out from the Board meeting and that when the Department can put a PDF copy on the website it should be available for everyone else. Ramona Morrison added that handouts should be emailed to the Board /posted on the website three days before the

meeting. Dave Cassinelli seconded the motion, and the motion carried unanimously.

2. Does the Board of Agriculture desire to adopt a policy that the Board members may earn \$10.00 per hour while on Department business, up to a maximum of \$80.00 per day? NRS 561.075 (1) states "While engaged in the business of the Department, each member of the Board is entitled to receive a salary of not more than \$80.00 per day, as fixed by the Board.

Ramona Morrison moved that the Board adopt this policy, Dave Barton seconded the motion, and the motion carried unanimously.

B. Audit update (Gimlin)

1. Progress reports

- a. Division of Internal Audits report #08-03
- b. Legislative Counsel Bureau Audit LA06-12
- c. US EPA Limited Scope Desk Review, conducted between March 27 and October 27, 2007

C. Budget update (Gimlin)

1. FY2008 Board of Agriculture budget
2. FY2008 Department summary
3. Budget reserves
4. Biennial budget process, tentative schedule for agency request phase

D. Division Report (Gimlin)

1. Pilot project with the State Controller's office
2. Agriculture web page update
3. Examples of internal reports
4. External projects completed by the Division

Meeting Adjourned by Chairman Lawrence Waugh at 5:36 pm

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4. Division of Plant Industry
 - A. Division update (O'Brien)
 - B. Changes to Agricultural Product Inspection Fees R089-07 update (O'Brien)
 - C. Nevada Garlic and Onion Growers' Advisory Board; structure, purpose, and Function (Marty)
 - D. Request to disperse monies pursuant to NAC 56.30, the Nevada Garlic and Onion Growers' Advisory Board would like to recommend that an expenditure of \$10,000 be made toward continued funding of Biotech Research conducted by the New Zealand Institute for Crop and Food Research (Marty)
Jim Johnson made a motion to approve the \$10,000 expenditure, Marta Agee seconded the motion, and the motion carried unanimously.
 - E. EPA quarterly report (Moses)
 - F. Homeland Security Grant (Moses)
 - G. Request to go to workshop and hearing on the scale insect quarantine (O'Brien)
Harvey Barnes made a motion to allow Plant Industry to go to workshop and hearing on the scale insect quarantine; Jim Johnson seconded the motion, and the motion carried unanimously
 - H. Update on red palm mite (O'Brien)
 - I. Las Vegas update (Dapsauski)
5. Division of Resource Protection (Jensen)
 - A. United States Department of the Interior, Fish and Wildlife Service (FWS) considering listing the pygmy rabbit as a threatened or endangered species. Comments due to FWS by March 7, 2008.
 - B. How other western states are funding wildlife damage management programs.

6. Division of Animal Industry
 - A. Introduction of new State Veterinarian (Rink)
 - B. Animal Disease update (LaRussa)
 1. Brucellosis
 2. Tuberculosis
 - C. National Animal Identification update (Pecetti)
 - D. Virginia Range Estray Program update (Holmes, Rink)
 - E. Laboratory Update
 1. Arbovirus testing
 2. Big Horn Sheep update
 - a. NDOW/UNR/NDOA position statement
 - b. Disease investigation into most recent die-offs
 - c. March 2008 Workshop
 3. Trichomonas Fetus testing (T. fetus testing) (Crowell)
 - F. Request permission to go to workshop and hearing to amend NAC 571 (Regulation non-codified, LCB File No. R135-06) A regulation relating to cattle; providing identification, testing and quarantine procedures for cattle to help control and eradicate Trichomonosis, revising provisions governing entry of cattle into this State; and providing other matters properly relating thereto. Permanent regulation changes currently under consideration pertain to inclusion of lease bulls, open adult cows, current protocol for issuance of VS 1- 27, and other industry concerns. Consider implementation of emergency regulations pertaining to the items listed above (Crowell)

Harvey Barnes made a motion to go the workshop and hearing to on NAC 571. Hank Vogler seconded the motion, and the motion carried unanimously.

7. Division of Measurement Standards
 - B. Petroleum Laboratory update (Miller)
 - C. Update on workshop postings for changes to specifications for motor fuel in NAC 590.065(SB324 to comply with the changes in NRS 590.70 (Miller)
 - D. Request to go to workshop and hearing on NAC 590.051, change from PS 121 -99 specifications to ASTM D-6751 (Miller)

Jim Johnson made a motion to go to workshop and hearing on NAC 590.51. Benny Romero seconded the motion, and the motion carried unanimously.
 - A. Weights and Measures update (Grabski)
 - E. National Conference on Weights and Measures (Grabski)
 - F. Sparks Headquarters Capitol Improvement Project update (Fraga)
 - On time, on or under budget, and to specifications
 - Design team turn-over, lack of consistency
 - Removed sub contractor
 - Requested most diligent and knowledgeable inspector
 - Full-time on-site extended project manager
 - Public works must follow NRSs and NACs
 - Constant inspection as project moves forward

- Use Earth Science as an inspector
- Technical necessities of the labs
- Project is out to bid; the due date is March 13th 2008
- Do we need special lab inspectors?
- Almost every entity we have worked with has turned over during this project
- National/ Local bidders (Builders exchanges)
- Contractor reputations/ Prequalification
- Elko Building/ Hood
- Agri-terrorism safety and security

8. Division of Livestock Identification

A. Staff update (Connelley)

B. Brand re-recording progress (Connelley)

1. Number of brands re-recorded
2. Transfers
3. Anticipated date of publication of the 2008 Brand book

C. Report on impound of trespass livestock by federal agencies (Connelley)

1. Presentation by Gina Session on the history of Federal impoundments and brand inspections by the Nevada Department of Agriculture (Session)
 - 2001
 - Due process
 - Notice
 - Be heard
 - Right of Redemption
 - Bradshaw vs. US, Clump vs. US, Mc Vie vs. US
 - Attorney General Brian Sandoval
 - NRS Chapter 43
 - Judicial conformation action/ Judge Berry
 - Was this a proper analysis?
 - Decided not to decide the issue
 - Impoundments in other states
 - Grand jury/no indictable criminal activity
 - Legislature convened
 - NRS 565.125
 - Court of competent jurisdiction
 - Federal Law has jurisdiction over Federal Questions
 - Right of appeal
 - Collateral attack/ appeal to Supreme court
 - Supremacy clause Article 6 of US Constitution

10. Public Comment

David Holmgren, Nevada Live Stock Association

Don Alt, representing himself

Doug Busselman, Nevada Farm Bureau

8. Division of Livestock Identification

D. Agricultural enforcement activities

- Feed and water for horses and cattle
- Cattle butchered and hind quarters taken
- Buffalo
- Lo Jack transponders
- Lost, strayed or stolen reports
- Felony Conviction/Grand Larceny

E. Agricultural Statistics

- Good budget
- Re recording coming in on target

F. Request to go to workshop and hearing on NAC 565.210 changes to the brand district foundries, **Harvey Barnes made a motion to allow the Division of Livestock Identification to go to workshop and hearing on NAC 565.210 changes to the brand district boundaries. Benny Romero seconded the motion, and the motion carried unanimously.**

G. Develop policy and procedures for review of Deputy Attorney General (DAG) legal opinions, including circulation of DAG legal opinions to the Board and Board review requirements prior to action upon legal opinions.

- Open Meeting Law
 - Email is not confidential
 - Time Sensitive
 - Legal Opinion is legal opinion
 - Non- Meeting
- No action taken on the item

9. Employee Comments and Suggestions to the Board of Agriculture

10. Public Comment

11. Schedule and Arrangements for Next Board Meeting

Harvey Barnes made a motion to have the next Board meeting on May 21 and 22, 2008. Ramona Morrison seconded the motion, and the motion carried unanimously. Location to be announced

12. Adjournment

Jim Johnson made a motion to adjourn the meeting. Harvey Barnes seconded the motion, and the motion carried unanimously.

Meeting adjourned by Vice Chairman Alan Perazzo at 5:10 pm