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The Humboldt Sun

Winnemucca, Nevada

Your Source for Community News

VOLUME 40, ISSUE 60

WEEKDAY EDITION



SPORTS

The Greater Nevada Badgers went 2-3 during their final five games of the season July 16 — 19 in Reno.

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FIFTIES FEVER

Winnemucca will turn back the clock this weekend for the 17th annual Fifties Fever event.

Page 11



PETS ON PARADE

Sammi Jo is one of the pet's featured on this month's page.

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Local Weather		
Tue 7/28	95/57	
	Mainly sunny. High around 95°. Winds N at 5 to 10 mph.	
Wed 7/29	96/58	
	Partly cloudy. Highs in the mid 90s and lows in the upper 50s.	
Thu 7/30	95/60	
	Partly cloudy. Highs in the mid 90s and lows in the low 60s.	

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Opposition organizes against proposed landfill project

Another meeting to be held this Wednesday night

By Heather Gula
The Humboldt Sun

WINNEMUCCA — Area citizens in opposition to the proposed landfill project have begun to organize and formulate a community action group working toward the revocation of a Conditional Use Permit that would allow the proposed Jungo Disposal Site project to go forward.

Roughly 60 people attended the group's first meeting held at the Martin Hotel on July 23. Tami Vetter, Swan Parsons and Massey Mayo led the meeting to protest the development in as many ways as possible.

In 2007 the Humboldt County Regional Planning Commission (RPC) issued a Conditional Use Permit (CUP) to Jungo Land and Investment, Inc. (JLI) for development of a class 1 landfill 25 miles west of Winnemucca in an area identified as Desert Valley.

The project, known as Jungo Disposal Site, will serve as a regional landfill for portions of northern California that include the nine counties which make up the San Francisco Bay Area. Refuse will be delivered to the site primarily by the railroad at an estimated average annual rate of up to 4,000 tons per day.

"All of you meeting in this room today certainly are talking this from the angle of 'how can we be proactive' and are being proactive about letting our commission and council members know how the community feels towards the landfill," Mayo said.

"I would highly encourage you to organize amongst yourselves and to create some movement in that



MICHAEL MICHAELSEN • Special to the Sun

Left to right, Swan Parsons, Tami Vetter and Massey Mayo led a community meeting July 23 at the Martin Hotel to organize individuals in opposition of the proposed Jungo Disposal Site. The group of concerned citizens is forming committees to take action against the landfill proposal. They will be meeting again this Wednesday at 6 p.m. in the conference room at The Martin Hotel.

direction and really be a public voice in front of the commission."

Along with encouraging the community to become organized and vocal, Mayo spoke about the steps that could be taken through legal means to, if not stop, at least postpone the development of the 634-acre landfill.

As part of that process Mayo gathered signatures to accompany a petition of the RPC, asking them to revoke the CUP they issued in 2007.

"Jungo Land Investments has lied," Mayo asserted. "Their application contains what we

believe are lies propagated by Jungo Land Investment."

She went on to explain that in legal terms, these "lies" are referred to as materially misleading facts or a material omission of facts, both of which she believes are included in the application submitted to the RPC.

The premise of her argument is that in the RPC application Jungo Land Investments stated that they would have 200 million cubic yards of garbage. The application they submitted to the Nevada Department of Environmental Protection (NDEP) states 106 million cubic yards of

garbage.

"So that's good in my opinion, and I think in most people's opinion," Mayo said, "but, the amount of garbage equates to the amount of money the county is going to be making."

She then pointed out that if the commissioners had been promised a dollar amount based on the figure given in their CUP application it would be considered materially misleading considering the information provided to the NDEP.

Additionally, the RPC application stated that the site would be used for solid waste, while the

NDEP application stated municipal solid waste, C and D debris — which Mayo assumes is referring to construction and demolition debris — tires, sludge and asbestos-related products.

"None of that, in our opinion, was submitted to the Regional Planning Commission for proper discussion," Mayo said.

The fact that the RPC was not made aware of the additional materials in the CUP application constitutes material omission of fact, according to Mayo. Further, this omission of fact leads to what she believes is a limited line of questioning by the RPC.

She said that the minutes from that meeting clearly showed that the discussion with the RPC was not as in depth as it should have been.

Additionally, Mayo said that the host agreement JLI will presumably enter into with Humboldt County will be negligible to the cost of restoring the county's reputation if they allow out-of-state dumping to occur.

"New Jersey, for years, was the dumping ground of New York," she said. "They were known as the Garden State until they started saying 'yes we will take your garbage if we will make money.' They have spent millions and millions of dollars on a (public relations) campaign trying to get back to being known as the Garden State rather than the garbage state. Whatever money they've made they have spent trying to eradicate their bad reputation."

Parsons also expressed her opposition to the proposed project as a citizen of Humboldt County. She explained that her background in the political arena in California has given her the tools to help facilitate organized opposition to the project.

"I've learned what you can do — See LANDFILL, Page 10 —

State ethics commission issues opinions on HGH board

Various allegations brought against five trustees

By Heather Gula
The Humboldt Sun

WINNEMUCCA — Five separate actions were recently filed against Humboldt General Hospital (HGH) board members with the Nevada Commission on Ethics.

The commission was asked to issue opinions concerning the conduct of board members Shelley Cooney, Mary Orr, Moe Hanzlak, John Russum and Soon Kim. Three findings resulted in dismissal, one culminated in a stipulated settlement and one required a hearing, which has been set for October of this year.

Portions of each case are summarized below. Complete documentation of the allegations can be found at: <http://ethics.nv.gov/NCoee%20WEBSITE/PANEL%20DETERMINATIONS/2009/Panel%20Determinations%202009.html>.

Shellie Cooney

In a request for a Nevada Commission on Ethics Opinion (No. 09-26C), HGH employee Debbie Aitken asked the commission to investigate the actions of hospital board member Shelley Cooney. Following a review

Boards to participate in ethics training during tonight's meeting

Sun Staff Report

WINNEMUCCA — The Humboldt General Hospital Board of Trustees will be holding their next meeting tonight at 5:30 p.m. in the Silver State Room of the Winnemucca Convention Center's East Hall.

Following a call to order and public commentary, the board will discuss and possibly approve giving the administrator authorization to sign an employment agreement with Sharon McIntyre, M.D.

The board will then receive training from the Nevada Commission on Ethics. Since it is a training session, members of the Winnemucca City Council and other boards in the community will also be attending.

Trustee comments and staff reports follow.

conducted by a Nevada Board of Ethics Commission Panel, a conclusion was formulated that just and sufficient cause did not exist to require a hearing on the allegations.

In her complaint Aitken alleged that Cooney, a fellow hospital employee, violated Nevada Revised Statute 281A.420 when she failed to fully disclose her commitment in a private capacity to her superior, Dr. Soon Kim, and that during the Jan. 27 board meeting she violated the law once again when she failed to abstain from voting on the purchase of a colonoscopy device used by the surgical department.

A response issued by

Cooney's legal counsel, Bob Dolan, asserts that she did not fail to disclose information since Kim is not her supervisor. Further, it stated that as an employee of the hospital Cooney's salary is not directly affected by medical devices owned by the hospital, inferring that there was no need for her to abstain from a vote on purchasing equipment. In addition, the response states that she relied on the advice of HGH board legal counsel Kent Maher to determine whether she should abstain from the vote or not.

According to the findings of Nevada Commission on Ethics investigator Mike Vavra, Maher advised Cooney that disclosure should be made regarding the

potential advantages the new equipment could have for the department in which she worked. However the report also indicates that Maher stated he, "did not see a problem with Cooney's participation in the discussion." Therefore, Cooney disclosed that she did work in a department that would utilize the equipment, however her salary was not dependent on the device. Cooney did vote on the matter.

Cooney's response also claimed that the hospital's Business Office Manager, Penny Begay, is her supervisor, not Kim. Maher issued statements indicating that Kim is the supervisor of the surgical department and Cooney works directly under her supervision. In addition, Maher stated that Cooney's employment activities are determined by Kim and that Cooney answers only to her. Maher asserted that although Kim is not responsible for signing Cooney's paycheck, Kim's opinion in determining Cooney's salary is given substantial consideration. Further, Maher's statement cited hospital administrators as advising him that if Kim indicated Cooney's employment should be terminated it would most likely be terminated and that the administrator would not consider termination without Kim's input.

Based on the information provided, Vavra found that Cooney and Kim do not share a relation-

ship enumerated by state law. He also found that no sufficient evidence surfaced that Kim benefited from Cooney's participation in the vote. Vavra did find that Maher presented evidence indicating that Kim is Cooney's supervisor and that Cooney did rely on the legal advice of Maher, who voiced no objection to her participation in the vote.

John Russum

On April 3 an Ethics Complaint (No. 09-23C) was filed against HGH board member John Russum with the Nevada Commission on Ethics by Allen Violette, claiming that Russum had voted to approve payment to himself.

Following an investigation, former Nevada Commission on Ethics Executive Director Patricia Cafferata made the recommendation that the panel find no just and sufficient cause existed to hold a hearing regarding the allegations. The panel upheld and dismissed the request for an opinion.

According to Nevada Commission on Ethics investigator Mike Vavra's report, two issues existed — first, whether Russum violated the law when he failed to disclose pecuniary interest existed that included payment to himself, and second, whether he violated the law by failing to abstain from voting on a payment to himself.

— See HGH, Page Two —

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Attorney general announces Countrywide settlement

Agreement also reached with DISH Network

Special to the Sun

CARSON CITY — Attorney General Catherine Cortez Masto has announced that "Notice Packets" were mailed last week to 3,467 Countrywide Financial borrowers with information on how they can claim a share of \$3,041,882 the company is paying to Nevadans who lost their homes.

"Eligible consumers should expect their notices to arrive in the next few days," said Masto. "The packet will explain the settlement that Nevada entered into with Countrywide and will have all materials needed to file a claim with the Settlement Administrator."

Eligible consumers must have had a loan for owner-occupied property made by Countrywide. First payment of the loan would have been due between Jan. 1, 2004, and Dec. 31, 2007. Borrowers

must have lost their property through foreclosure, short sale or a deed in lieu. Rental property is not included in the settlement.

Nevada's total sum directed for consumers (\$3,041,882) will be divided equally between all eligible Nevada consumers who file a Claim Form and Release from the Notice Packet. The payment amount for each individual will depend upon how many of the 3,467 eligible Nevadans file the Form and Release.

Participation in the program is optional. Each participant will receive a minimum of \$877.38 in compensation. The Settlement Administrator plans to begin mailing payments the first quarter of 2010.

This settlement amount was part of a multistate settlement that was reached in principle with Countrywide and previously announced by the Nevada AG's office on Oct. 6, 2008. States finalized individual agreements earlier this year.

Countrywide borrowers should contact the Settlement Administrator, Rust Consulting, Inc., toll free at (866) 411-6987 if

they did not receive a packet, if they think they may be eligible or if they are not sure that Countrywide has their current address. Additional information will be posted at www.countrywidesettlementinfo.com.

Masto has also announced that DISH Network, L.L.C. will pay \$5,991,000 to settle consumer protection allegations with attorneys general in 46 states. Nevada will receive \$125,000 as its share of the settlement.

The states alleged the satellite TV provider and its third-party retailers engaged in deceptive and unfair sales practices. The company denied any wrongdoing.

In addition to the \$5.9 million, DISH Network agreed to pay restitution to some consumers and to enter into an agreement that limits how Dish markets its services in the future.

The settlement, filed in Clark County District Court, resolves the states' claims and allegations, including allegations that DISH Network refused to accept responsibility for the misconduct of its third-party retailers and installers; Made telemarketing

calls to consumers in violation of do-not-call rules; Failed to disclose all terms and conditions of their customer agreements, including the availability of rebates, credits and free offers. Did not disclose that purchased or leased equipment was previously used and/or refurbished; Made reference to competitors' price offers when the goods or services being compared were materially different; and charged customer credit cards and debited bank accounts without providing adequate notice and obtaining appropriate authorization.

Unresolved complaints sent to Dish Network or their State Attorney General since Jan. 1, 2004, are eligible for the restitution program. Dish Network will notify consumers that they are eligible for the restitution program by sending a claims notice to those consumers. Additionally, consumers can file a complaint with Dish Network, their state Attorney General or with the Better Business Bureau ("BBB") by Dec. 14, 2009, to be considered for the restitution program, as long as the complaint is about activity that took place within the last two years. Consumers who are not satisfied with the company's offer of restitution may choose to file a claim to be decided by a third-party claims administrator.

Questions or complaints regarding the refund process can be addressed to: DISH Network, L.L.C., Dispute Resolution Team, P.O. Box 9040, Littleton, CO, 80120 or by e-mail at CEO@dishnetwork.com. Consumers may also contact the Attorney General's Bureau of Consumer Protection hotline at (702) 486-3132 for further information.

Federal stimulus funds to be used for wildlife overpass near Wells

WELLS (AP) — Construction begins next month in northeast Nevada on what officials are calling the state's first wildlife overpass.

Officials say federal stimulus funds will be used for the bridge 10 miles north of Wells on U.S.

93. The overpass will let deer and other large animals cross the road while staying away from traffic.

Rafael Construction of Las Vegas won a \$1.8 million bid to do the work. It should be done within three months.

The overpass will be 162 feet long and 66 feet wide. It will be a fenced-over pathway featuring native vegetation that will sit almost 23 feet above the highway. Officials say Wells was chosen because it is an area with a lot of deer hits.

LANDFILL

(Cont. from Page One) with an effective team that is mobilized for action and for change," she said. "I'm fighting this because it is about me and I am concerned. I am not going to fight this battle for you. I am asking each one of you to step up and fight this battle for yourselves, your loved ones and the future of this community."

She also explained that landfills employ outdated technology to defer a problem that Californians don't want to deal with.

"Putting the garbage in the ground in someone else's neighborhood is an old idea," she said.

She spoke extensively about the fact that California's urban areas are now using widespread recycling programs to reduce the amount of waste, have technology that allows them to reprocess omissions from their waste facilities and have the ability to address their own refuse without shipping it to other states.

"Part of my extreme anxiety comes from the fact that there are new answers to this old question," she said. "Being from California I know how California actually operates and I know that they made a decision that landfills are no good. Landfills are old technology, just out of sight out of mind, put it somewhere else. So California is a state as big as ours, if not bigger, and as a state it would seem landfills are not OK there. So, if it is not OK there, it is not OK here."

Vetter addressed the issue as a fourth-generation Winnemuccan who has a deep emotional response to the idea of bringing other people's trash into the desert she calls home.

"I believe our elected officials to have the best interests of Humboldt County residents in their hearts," she said, reading from a prepared statement. "But in this case I believe that the detrimental long-term effects on our community and precious Nevada desert far outweigh other considerations."

Vetter pointed out that three days worth of accumulation at the new Class I Landfill site will exceed the equivalent of one year of dumping in the current Humboldt County Landfill. She posed a number of questions, bringing to light her concerns with the

safety, transparency and risk of the proposed project.

She expressed her fears that the proposed project would be the tip of the iceberg for a company that owns more than 1 million acres along Interstate 80. She also voiced concerns that precedence would be set, opening the door to similar ventures and allowing Humboldt County to become a dumping site for numerous urban areas that would rather put their trash in other people's back yards.

"This is Winnemucca and our motto is, 'Proud of it,'" she said. "How will we feel if we allow northern Nevada to become the waste disposal site for the entire western portion of the United States?"

Community petitions are available for signature at KWNA



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