

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
*Special Meeting with*  
**Nevada Manufactured Housing Division**  
**July 1, 2009**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on July 1, 2009 for a special meeting with representatives from the Nevada Manufactured Housing Division. Present were Chairman Jim Ithurralde; Vice Chair Leonard Fiorenzi; Member Mike Page; District Attorney Theodore Beutel; and Clerk & Treasurer Jackie Berg. The meeting was called to order at 1:02 p.m. and began with the Pledge of Allegiance. The interactive video conference was connected and utilized between Crescent Valley and Eureka.

**APPROVAL OF AGENDA**

Commissioner Fiorenzi moved to approve the agenda as posted. Commissioner Page seconded the motion. Motion carried 3-0.

**PUBLIC COMMENT**

Chairman Ithurralde called for public comments. Wally Cuchine, Cultural, Tourism, and Economic Development Coordinator, informed the Board that an agenda item for July 6<sup>th</sup> will request that the County pay for a portion of an ex-employee's COBRA insurance in the amount of \$1,596.84 for three months. The situation pertains to a County employee who used the total sick leave, annual leave, and Family Medical Leave Act (FMLA) time available, and subsequently left employment of the County. The individual still needs medical care. Commissioner Fiorenzi requested that the federal government's Recovery Act should be looked into regarding the COBRA benefit package, which subsidizes people who are unemployed and can't afford to pay for insurance. The matter will be considered on July 6<sup>th</sup>.

Jerri Norton, auditor with Kafoury, Armstrong, & Company, reported to the Board that prior to audit procedures the auditors are required to discuss any concerns with the County Commissioners. A letter was provided describing the timeframe, general method for the audit, and asking the Board for input. Ms. Norton noted that COBRA contributions from the employer of 85% are recoverable through payroll taxes. Ms. Norton explained how the contribution would be accounted for and recorded.

George Parman, Eureka citizen, told the Board that he understands there are federal and state laws, but the Board has the final say regarding Eureka County issues. There were no other public comments.

**NEVADA MANUFACTURED HOUSING DIVISION**

Manufactured Housing in Eureka County: Gary Childers, Chief Compliance Officer for the State of Nevada Manufactured Housing Division (NMHD), attended the meeting on behalf of NMHD to discuss manufactured housing issues in Eureka County. Chairman Ithurralde explained that the County Commissioners have proposed a change to the County's mobile home ordinance, and one of the most significant changes is a possible age limit of homes being brought into the County. Mr. Childers explained that currently the State has no regulations addressing age of mobile homes, but does address the quality of homes as to

whether they are livable. Enforcement of livable mobile homes falls under Nevada Revised Statutes (NRS) Chapter 461A; and the chapter also gives Eureka County jurisdiction as an enforcement agency to deem a home substandard. Mr. Childers further explained that a home can be inspected under normal circumstances or through a complaint by another party. Ted Beutel, District Attorney, provided Mr. Childers with background information that led to the proposed ordinance change. The level of inspection, enforcement, and Eureka's lack of a building department was discussed.

Mr. Childers explained that NMHD will provide inspections for counties who do not wish to be the enforcement agency when dealing with substandard mobile homes. Installation issues are handled by NMHD unless a cooperative agreement is approved and a particular county takes over the installation inspections. Foundation inspections are not statutorily the responsibility of NMHD, but foundations must be constructed in order to ensure that the foundation is capable of supporting a mobile home. Mr. Childers relayed that NMHD is willing to inspect foundations for a county as long as the foundations are being constructed according to approved plans. NMHD will inspect approved foundations that have plans preferably created by a design professional, engineer, or contractor and the proper documentation is supplied. Mr. Childers explained that if the County does not inspect foundations, then the State will inspect foundations according to State standards only.

The Board discussed conversion to real property, permits, foundation drawings and design, frost depth, and installation standards with Mr. Childers. Mr. Childers noted that the State has minimal say in conversion to real property, even though foundation inspections are done. The County is primarily responsible for setting the specific criteria above and beyond what is required by the State for real property conversions if desired. Currently, the County's conversion standards exceed the State standards. Ron Damele, Public Works Director, explained that the County was attempting to mitigate the cost of obtaining foundation plans from an engineer by possibly providing a general foundation plan for County residents; however, issues arose with different soil conditions for each foundation site. Discussion was also had on minimum standards for foundations set by lending companies.

Discussion was had on: constructing a permanent foundation after a mobile home has been installed; minimum standards for conversion; financing homes on foundations; cost for foundation plans; and public health and safety. Chairman Ithurralde noted that the ages of mobile homes coming into the County is a subject that is being addressed. Habitability is also an issue for incoming mobile homes. Some older manufactured homes are used for storage as well. Mr. Childers explained that it is the County's decision whether a mobile home is allowed to be used for storage. Also, NMHD has the authority to label a mobile home substandard even if it has been converted to real property. Substandard mobile home complaints often occur when public health and safety are in jeopardy. Mr. Childers noted that NRS 489.251 states that utilities cannot be activated without having a proper inspection that has passed; and Nevada Administrative Code (NAC) 489.405 states that a mobile or manufactured home cannot be occupied without passing a proper installation inspection.

Mr. Beutel explained that proposed changes to the mobile homes ordinance address age and inhabitability. The age of mobile homes affects tax revenue and can affect public health, safety, and welfare. Mr. Beutel explained that if the Board chooses to approve such a change to the ordinance then enforcement needs to be addressed. The proposed changes to the ordinance only apply to incoming mobile homes, not mobile homes already in the County. Mr. Parman commented that some people can only afford to buy older mobile homes and many of those homes are in good condition. Discussion was had on the inspection criteria for homes such as plumbing, electrical, and structural items. Owners also have an opportunity to

correct deficiencies prior to occupancy. Enforcement of the ordinance, proposed changes, and new modifications were discussed.

Mr. Childers reported that foundation standards set by the State require protection from the frost for support structures, but do not require skirting. Mr. Damele explained that the current real property conversion standards of Eureka County exceed NRS foundation criteria. The Board agreed that the standards set by Eureka County are acceptable because financing companies typically require strict foundation specifications as well. After discussion, Mr. Childers emphasized that the County should have a mechanism in place for citizens to obtain the criteria needed when constructing a foundation and installing a mobile home.

Additional Changes to Mobile Homes Section of County Code: Commissioner Fiorenzi made a motion to turn the matter over to the Public Works Director and the District Attorney to take everything out of the mobile home ordinance that cannot be enforced by the County and resubmit the ordinance with the proposed changes. Commissioner Page seconded the motion. Motion carried 3-0.

### **PUBLIC COMMENT**

Chairman Ithurralde opened the floor to public comments. Mr. Parman asked what age limit the Commissioners may require for incoming mobile homes. The Board relayed that no age limit would be set for incoming homes, but habitability of the home would be considered.

Earl Overholser asked if a set of foundation plans needed to be obtained from an engineer for a foundation to be constructed under an existing mobile home. Mr. Damele stated that currently engineered plans are not required, but may be in the future. Currently, the criteria will be provided to the homeowner. The foundation is then inspected and approved by Public Works and the Assessor for real property conversion in this particular situation. Discussion was had on installing a foundation with and without engineered plans and the changes that may be proposed. There were no other comments.

The Board asked that the proposed changes to the ordinance (deletions of non-enforcement items) be provided by July 20<sup>th</sup>. Mr. Childers may be available July 20<sup>th</sup> if needed.

### **ADJOURNMENT**

At 2:47 p.m., Commissioner Fiorenzi made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 20<sup>th</sup> day of July, 2009.

/s/ J.P. Ithurralde

J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk