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# The Humboldt Sun

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Winnemucca, Nev.

Your Source for Community News

VOLUME 41, ISSUE 21

## WEEKEND EDITION

### SPORTS

The Winnemucca Junior High School seventh-grade volleyball team swept a pair of matches in Tri-County League play this past Saturday in Lovelock.

Pages 9-11



### IN FOCUS

Sonoma Industries has been offering the Winnemucca community a certified vocational training facility for developmentally challenged adults since 1982.

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### COMMUNITY NEWS

Thursday, Feb. 25, was a day that Dr. Bradford Granath will never forget. The Winnemucca family physician not only delivered two babies within the same minute, but the two babies were cousins.

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#### Local Weather

Fri 3/12	50/32	
Sat 3/13	48/28	
Sun 3/14	64/31	

Don't forget to check the weather forecast before you head out!

## Commission votes 3-2 to hear appeal of CUP extension

### Public hearing on landfill scheduled for March 15

By Heather Gula  
 The Humboldt Sun

WINNEMUCCA — The Humboldt County Commission voted 3-2 March 1 to set a public hearing on the appeal filed by Robert Dolan and Massey Mayo of the vote, decision and findings of the Regional Planning Commission Feb. 11. That decision was to extend the Conditional Use Permit of Jungo Land and Investment Inc. Commissioners Mike Bell and Dan Cassinelli were the two dissenting votes. The public hearing is scheduled for March 15.

During the March 1 meeting Dolan began to present evidence, causing Humboldt County Deputy District Attorney Angie Elquist to advise the commission chairman to stop the discussion.

"You can see the water on the ground in substantial measure and I point those pictures out drawing your attention back to the minutes of April 7, '07," Dolan said as he handed photos of the Jungo property to members of the commission. He then referred directly to the minutes of the April 2007 Regional Planning Commission meeting, quoting a section where Don Gambelin,



HEATHER GULA • The Humboldt Sun  
 Bob Dolan and Massey Mayo argue in front of the Humboldt County Commission March 1 seeking a public hearing on their appeal of the extension of a Conditional Use Permit for the Jungo Landfill project. In a 3-2 vote, the commission set a public hearing for March 15.

vice president of JLI, responded to seepage concerns and explained that the liner works best in a low rainfall area and they prefer a dryer location for this type of use.

On legal advice, Commission Chairman Chuck Giordano interrupted.

"You might be going beyond a set for public hearing. This is the kind of information we will have

at the public hearing," he said. Dolan then went on to explain that the basis of his appeal was that the RPC's decision to renew the CUP without imposing conditions was arbitrary and capricious. Further, his appeal argues that the RPC abused its discretion and made factual findings that were erroneous when they failed to impose conditions that would protect the health, safety and

welfare of individuals within the surrounding communities.

Commissioner Bell stated that the point of the day's meeting was to determine if the commission had proper cause to hold a hearing. He asked for evidence to that matter specifically.

Dolan argued that essentially proper cause was not needed.

"I think the board here is misunderstanding their authority and you actually can review and revoke decisions of the planning committee," Dolan said, inferring that the commission had latitude to hear the issue.

Bell then pointed out that one of the major factors in determining whether a hearing is appropriate was to determine whether the appellants have legal standing on the issue.

This assertion references an objection to the appeal filed by Recology's attorney John Frankovich on Feb. 24 and a subsequent memorandum providing the Humboldt County Commission with remarks from the district attorney's office.

Frankovich argued that the appellants lack standing to bring the appeal forward based on Humboldt County Code 17.68.120's requirement of an interested person and the Black's Law Dictionary's definition of interested as a person with a property right and/or claim against a thing.

In the memo signed by Elquist she confirms that finding, stating that:

"After researching further into the issue of 'interested party' our office believes that Bob Dolan and Massey Mayo do not have standing to appeal the decision."

— See LANDFILL, Page Two —

## Tutoring, structure, organization — After-school program showing promise for high school students

By Heather Gula  
 The Humboldt Sun

WINNEMUCCA — "I don't have my book, I forgot my notebook, I don't have a pencil." A good bet is that every parent has heard these excuses when asking their children to do their homework. But, what if that homework was taken care of before your child even left school campus? What if there was someone who had an answer to every objection your child raised?

Marie-Jeanne Dawson and Marcel Johnson serve as teacher and aide for a program that does just that. Lowry High School's Academic Intervention Program (AIP) provides everything from tutoring to a quiet place to do your work or a firm hand to make sure it gets done.

AIP employs Dawson and Johnson to closely monitor student progress and deal more personally with the student and their families. Thus the AIP staff can often mitigate factors the students have long used as excuses for not attending class or completing their work regularly.

"AIP is a support group for students and can provide social interaction and peer support in a safe environment," Dawson explained. "It can create links between parents and schools, and can support academic achievement by addressing personal and interpersonal factors."

She estimates approximately 50 students are currently participating.

As part of a grant request to the Whitworth Foundation for AIP, the school outlined the



HEATHER GULA • The Humboldt Sun  
 Marcel Johnson provides one-on-one assistance to a student during Lowry High School's Academic Intervention Program. While the program is open to all students who need help on an assignment or just a supportive environment to work in, it was designed to catch failing students early and assist them with quick academic recovery.

rationale that for the past several years over 50 percent of the school's freshmen students have been failing at least one class at the end of their first quarter and 20 percent are failing three or

more classes. Through AIP Lowry asserted that they would be able to reduce the number of students failing courses and reduce student drop out as a

— See AIP, Page Two —

## Man sentenced in lewdness case

By Rudy Herndon  
 The Humboldt Sun

WINNEMUCCA — An illegal immigrant who had unlawful sexual relations with his underage niece was sentenced Monday to life in prison, with the possibility of parole after 10 years behind bars.

Emmanuel Barrera-Gonzalez, who previously pleaded guilty to lewdness with a child under the age of 14, was remanded to the custody of the Humboldt County Sheriff's Office to begin his sentence.

Under the terms of the court's ruling, the 22-year-old man will remain under lifetime supervision if he is released on probation.

Sixth Judicial District Judge

Mike Montero told the courtroom that it was hard to articulate whether the sentence is truly appropriate, given the facts in the case. But state lawmakers have not given the court much leeway in the matter, he said:

"This is one of those instances where the Nevada Legislature has significantly limited the court in its ability to sentence someone for this crime."

The crime occurred near Orovada in February 2009. But it was not reported until last September, when a Winnemucca attorney informed local authorities that a girl may have been sexually assaulted earlier that year.

— See LEWD, Page Two —

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**A note to our readers**

**Winnemucca Publishing is experiencing problems with our prepress computers**

Readers may notice some temporary changes, including black and white pages and advertisements, some features unpublished and other issues.

Our entire staff is working diligently to insure that each newspaper is delivered to mailboxes and newsracks according to our promised schedule, and we hope you'll "pardon our dust" while we correct this matter. Our best guess is that it will take at least several weeks, perhaps more than a month to acquire and install the necessary equipment to get us back to our regular format.

Due to this unique circumstance, we have started earlier-than-usual deadlines for inclusion of public submissions, including calendar notices, classified advertising, obituaries and other announcements and some news items.

Please see below for a complete list of temporary deadlines:

- Deadline for display advertising: 3 p.m. Thursday for Tuesday edition; 3 p.m. Monday for Friday edition.
- Deadline for public submissions: 3 p.m. Friday for Tuesday edition; 5 p.m. Tuesday for Friday edition.
- Deadline for classified advertising and legal: 3 p.m. Friday for Tuesday edition; 5 p.m. Tuesday for Friday edition.

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and your pet's name and age.

**Deadline for submission for the next page is Friday, March 26.**

Include the owner's name, the pet's name and any other pertinent information with your submission, such as the pet's breed, gender and age.

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**AIP**

(Cont. from Page One)

Johnson said the Whitworth Foundation had solicited ideas of ways that a sum of money they wished to utilize could benefit students the most. She has worked in arenas where the after-school program was a huge success and felt that it would have the greatest impact on the largest amount of kids at Lowry, so she submitted a grant proposal.

The grant was funded for three years and the program is now open, running from 3:15 p.m. to 5:15 p.m. Monday through Thursday. It is available to anyone, however it focuses on students failing three or more classes.

"The first year is the one that is always trial and error, and this year we are taking all the things we learned from the first year and putting it into the growth of the second year," Johnson said. "What's also nice about this year is that the kids who came in last year and did see success are now telling their friends and their friends. And, this year we have

more teacher involvement in the program so now they are also sending kids our way."

"Even the coaches are working with us too now. It helps them because they know of a place where when their athletes are getting behind they can come in and get their homework done and then come to practice," she added.

Dawson said that while it is hard to quantify the success of programs like this, she sees a definite benefit to students who take advantage of it.

"What they get out of it is immeasurable. When you want to see it on paper it is not as easy to put there as what they actually get out of it," she said.

The goals are to improve academic progress in all subjects, increase school attendance, improve communication between students, teachers and parents and to set goals for progress.

"We are trying to make it not only about kids who are failing but this is for anyone who needs some extra help," Dawson explained. "Tutoring, quiet time,

just a couple hours where you can come get work done, or whatever it is."

Dawson said a major component to success of the program is teaching the children to be proactive, not reactive. Proving to them that struggling to bring their grades up from a 30 — 40 percent level in the last week of the term is far more difficult than keeping it at an acceptable level all term.

"We are trying to be more proactive saying, 'let's not get in this situation again, let's get in here and do your homework every day and go home and be free of it,'" she said. "A lot of times we are looking at these kids who are already failing three or four classes and they've gotten to the point of 'how can I dig myself out of this?' and it is hard, it is very difficult. So we are working on giving these kids some skills where they won't get there again."

A big part of her and Johnson's job is overcoming objections. If a student comes in and says they don't have any homework, the AIP staff can check their grades on the spot and confirm that they have received credit for all assignments they've been given.

"We check their grades and say 'if you don't have any homework why do you have five zero's in this class, how can you not have any homework?' So they will look at me and say 'well I don't have my book.' I can say, 'oh I've got that book.' The funny part of it is we are so savvy that we can just zoom in on it and say, 'I've got everything you need, have a seat.'"

Dawson said that overall students are appreciative of the program and are appreciative of the structure. Organization has become a huge component and

one that Dawson said she discounted the importance of before starting this program. She said while to some people teaching a high school student how to organize a notebook may not seem like much, to many of those students it makes a huge difference in their academic performance and beyond.

"It is the skill you are teaching," she explained. "It is the fact that that kid isn't just going to stuff their homework in their pants pocket anymore."

One factor that she thinks has been key to the program's success is the support of the school's teaching staff. She said that if a teacher knows the student is in AIP they will often give them a second chance.

AIP is voluntary, but with the parent's backing the school is able to enforce the parent's desire for the student to participate by utilizing in-house suspension or simply by saying, 'don't get on the bus, your mom called and she wants you here,'" Dawson explained.

One thing they do not do is use AIP as a form of punishment. Instead, they have implemented positive enforcement programs such as every 10 times a student attends they get a free coffee and cookie at the senior store.

The bottom line though is that Dawson recognizes that it is ultimately up to the students to succeed or fail on their own.

"I think it is safe for us to say that when we look back at first quarter there were kids that we saved their credits and there were one's that we lost," Dawson explained. "But they made those choices, they made a conscious decision. No matter how far we go, no matter how hard we try, they still make the choice not to do the work."

**LEWD**

(Cont. from Page One)

Authorities in Stanfield, Ore., later interviewed the girl, who told them that she'd had intercourse with her uncle.

The girl's mother, Mabel Barrera, has already been sentenced in a related child endangerment case for knowingly allowing the relationship to continue.

Appearing at his sentencing Monday, Barrera-Gonzalez declined to address Judge Montero.

However, defense attorney Bob Dolan said his client has expressed remorse for the crime.

"He allowed some very base instincts to take over, and for that

he is sorry," he said.

Humboldt County District Attorney Russell Smith noted that Barrera-Gonzalez has said the case has affected him "a lot," costing him the love of close family members.

Yet even though the girl's life has been turned upside down, Barrera-Gonzalez has said he didn't think his actions had a negative effect on her, Smith said.

"This is a defendant who is not remorseful and who does not take into consideration the impacts (his actions) have caused in this 11-year-old girl's life," Smith said.

**LANDFILL**

(Cont. from Page One)

It cites the same sources in addition to NRS 278.3195, which requires an appellant be an aggrieved party.

Commissioner Tom Fransway objected to the memo itself.

"This memo is signed by the deputy D.A.," he said. "As far as I'm concerned anything that comes to me with the importance of this needs to be signed by the district attorney."

Dolan argued that in previous appeals he was found to have standing and nothing had changed that would cause a reversal in that legal conclusion.

Elquist argued that the legal conclusion of her office had changed based on further research.

A lengthy debate ensued over the legal definition of "aggrieved" and "interested" and whether Mayo and Dolan fit into that category.

Commissioner Cassinelli contended that there was a lack of standing based on the argument that an individual had to hold property adjacent to the site in order to be interested or aggrieved. However, he also questioned his own ability to make that decision.

"You know, I'm just a rancher

and I think this needs to go before a judge, all this arguing over legal stuff. It's absolutely beyond the commission," he said.

Dolan argued that the public land surrounding the property in question allows all citizens to claim rights to that property and act as an interested or aggrieved party.

"The land around the applicant is public land," he explained. "I am a member of the public, we have asserted that we — Massey (Mayo) and I — have used that land. We have every right to use that land. That is a personal right to use public land that is guaranteed to me under the laws of the United States and the state of Nevada. I am saying that my rights to use that land has been abridged, interfered with, violated. Unless you are calling me a liar, which I don't think you are, I have standing to say this action is objectionable and I would like you to review it."

Fransway asserted that if the commission was going to be the one taking the heat for the decision they needed to be involved in the process.

"We need to hear this appeal, we need to hear the pros and cons," Fransway said. "You com-

missioners have wanted to be involved, have wanted to learn more, now is your chance to do that. I have been working day in and day out to learn the pros and cons and for us not to hear the appeal is a slap in the face to these people."

Giordano concurred saying: "I think we owe it to the public to have a public hearing."

Fransway made a motion to set the public hearing for March 15. The motion passed 3-2, with Bell and Cassinelli as dissenting votes.

In other news from the March 1 Humboldt County Commission meeting:

- The commission voted unanimously to approve a resolution authorizing the Treasurer to proceed to auction on delinquent properties.

- The commission voted unanimously finding that no nuisance existed at 9195 Buffalo Road, assessor's parcel #005-601-08.

- The commission voted unanimously to approve a large parcel map application submitted by Desert Mountain Surveying on behalf of Blue Sky Acquisitions, LLC. This would divide property into 14 lots for property located +/- 4.5 miles northeast of Red House road, Section 9, T36N,

R43E; assessor's parcel #007-301-07.

- The commission voted unanimously to set to public hearing a zone change request submitted by Victor and Gloria Beltran. It would rezone property from AG-5/TPZ (General Agricultural District 5 acre minimum lot size with an Airport Hazard Combining District-Traffic Pattern Zone overlay) to RR 2.5/TPZ (Rural Ranchette District 2.5 acre minimum with an Airport Hazard Combining District - Traffic Pattern Zone overlay) for property located at 4895 W. Commander; assessor's parcel #013-312-03.

- The commission voted unanimously to approve an intrastate interlocal contract between the Nevada State Health Division and Humboldt County for the provision of Public Health Nurse.

- Sharlet Berentsen provided the commission with a information-only update on the C.O.R.E. Renewable Energy Conference scheduled for April 29 — 30.

- The commission voted unanimously to approve a request from Sixth Judicial District Youth and Family Services to purchase conversion of two years of regular service to police/fire years, allowing early retirement for an employee.

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