

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

June 6, 2024

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on June 6, 2024.

PRESENT:

Commissioner Myles Getto
Commissioner Harry Scharmann
Commissioner Justin Heath
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Deputy Clerk to the Board Pamela D. Moore
Clerk/Treasurer Linda Rothery

ABSENT:

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chair Getto asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 31st day of May, 2024, between the hours of 4:30 and 5:30 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

Chair Getto reported that there was a typo on the Agenda and it was revised to reflect that we had Old Business Items A – D (not E).

Commissioner Justin Heath made a motion to approve the Agenda as revised.

Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- May 2, 2024.

The Minutes of the meeting held on May 2, 2024 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Harry Scharmann made a motion to approve the Minutes of the meeting held on May 2, 2024 as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- May 15, 2024.

The Minutes of the meeting held on May 15, 2024 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Harry Scharmann made a motion to approve the Minutes of the meeting held on May 15, 2024 as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- May 22, 2024 Budget and Tax Rate Hearing.

The Minutes of the budget and tax rate hearing held on May 2, 2024 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Harry Scharmann made a motion to approve the Minutes of the budget and tax rate hearing held on May 22, 2024 as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Presentation of Awards to the Exhibitors from the 2024 Churchill County Junior Livestock Show.

The Churchill County Junior Livestock Show and Sale was held April 26 - 27, 2024. The Board of County Commissioners will present awards for Grand Champion Winners in the Carcass Contests for Steer, Hog, Lamb and Goat; Reserve Grand Champion All Around Winners; and the Grand Champion All Around Winners.

CARCASS GRAND CHAMPION WINNERS:

Grand Champion Steer Carcass – Sponsored by – Winder Land and Cattle – Hannah Montalvo

Grand Champion Hog Carcass – Sponsored by Sage Hill Dairy – Claire Barbee

Grand Champion Lamb Carcass – Sponsored by Laca's Vaca's – Ava Bunyard

Grand Champion Goat Carcass – Sponsored by- Great Basin Title – Kadence Wiessmer

RESERVE GRAND CHAMPION ALL AROUND WINNERS:

Reserve Grand Champion Junior All Around – sponsored by Churchill County – Ellie Peixoto

Reserve Grand Champion Intermediate All Around – sponsored by City of Fallon – Bailey Peixoto
Reserve Grand Champion Senior All Around – sponsored by Fallon Livestock – Kadence Wiessmer

GRAND CHAMPION ALL AROUND WINNERS:

Grand Champion Junior All Around – sponsored by – Wendy Bullock for School Board – Macady Bogdanowicz

Grand Champion Intermediate All Around – sponsored by Cheek Construction – Autumn Thomas

Grand Champion Senior All Around – sponsored by Brenda Ingram for Justice of the Peace – Allie Fait

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Other

County Manager Barbee directed the presentations as outlined above. This item was done for presentation of awards only and no action was taken.

B- Consideration and possible action re: Application for a division of land into large parcels filed by Colby Frey to divide the property located at 8705 Schurz Highway, Assessor's Parcel Number 006-092-13, consisting of 142.04 acres in the A-10 zoning district, whereby the Applicant proposes to create two large farming parcels.

The Applicant, Colby Frey, has filed this map on behalf of the property owners, Guy and Darla Luiz. Mr. Frey intends to acquire additional water-righted land from the Luiz' to be included in the "Frey Vineyards" Ranch. The property includes a farmstead and irrigated farmland totaling 142.04 acres. The intent of the map is to divide the parcel into two new parcels, totaling 69.51 acres to the west that includes the homestead and 72.53 acres to the east, which Mr. Frey will acquire. No new development is proposed on either of the resultant parcels and Mr. Frey intends to place the 72.53 acres into a Conservation Easement.

This project is complicated by two issues. The first is that Colby Frey is requesting a waiver from the requirement to dedicate water for the east property, which he will own after the lot is split, because he will be putting it into a Conservation Easement. This request is allowed under the code and discussed in the Staff Report. The second is that the Applicant is proposing a very long "flag lot" for the rear property, with the "flagpole" portion being an approximately 2250' driveway reaching to the Schurz Highway that includes a 30' private road easement. This is proposed to avoid road building requirements.

A copy of the Staff Report and excerpt from the Planning Commission Minutes are provided for the Commissioners' review and decision.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Dean Patterson, Associate Planner, made this presentation as outlined above.

Chair Getto asked if there was any public comment. Sally Rae said I live on Potpourri Drive. I have a situation where I have 35 acres next to me and there is a piece that looks like what you have up here. Due to that, there is no road and he can't put any houses on there because they put houses behind it, there is something in front of it (can't understand), I am alongside of him, and there are houses on the other side of him. He is boxed in. He bought the property with the idea of putting a school and houses in there but, with the way it is cut up, he can't do anything. We bought our house in 1997 and, in 2000 or 2001, the county sent me a letter stating they wanted to put a road where my property is and wanted me to donate this land to the county. I have 2 acres. I don't want a road alongside me, first of all, and second of all, I have two garages. One sits right next to that property and I have two sheds and a well shed and a well sitting next to that property. I told them no. If you do this with this piece of land, they will have the same problem. I think you need to address that before you go any further with it. Chair Getto said I think it has been addressed. He is putting in a Conservation Easement and he owns all of the properties around it, as well. Once it goes into a Conservation Easement, there will be no development that will be able to happen. Ms. Rae said is he paying for that or is it just being donated? Chair Getto said this is owned by somebody else and they are splitting it into two. Mr. Frey is buying one parcel. The other people who own the other lot are against the highway and they will maintain ownership of that. If they decide to develop it or whatever happens. There was talking with people talking over one another, so it was unintelligible. Chair Getto said he has access. There was no further comment.

Commissioner Justin Heath made a motion: (A) to approve the Division of Land into Large Parcels Map Application for Colby Frey to divide APN: 006-092-13 into 2 parcels, subject to conditions as listed in the Staff Report; (B) to accept the offer to grant easements for public purposes identified on the map; and (C) to reject all offers to dedicate lands and improvements at this time. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Ratification of an Agreement between Churchill County Public Health and Clinisys, Inc., in the amount of \$4,246, for EpiTrax software and services.

The Agreement is to expand reporting as required with the State of Nevada EPITREX System for infectious disease reporting.

FISCAL IMPACT: \$4,246

EXPLANATION OF IMPACT: \$4,246

FUNDING SOURCE: CDC ELC Pass-through State of Nevada

ACTION REQUESTED: Accept

Shannon Ernst, Social Services Director, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Harry Scharmann made a motion to approve and ratify the Agreement as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Approval of a comment letter to the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse.

In 2015, the BLM completed a Resource Management Plan Amendment (RMPA) for conservation of Greater Sage-Grouse in Nevada and northeastern California that included habitat mapping and associated allocation decisions. This RMPA is still being implemented and generally affects the eastern third of Churchill County.

In 2019, the BLM completed another RMPA that was better aligned with the State of Nevada's Greater Sage-Grouse Conservation Plan. However, this 2019 RMPA was not implemented due to legal challenges.

The current Draft RMPA, which is drafted across the entire range of Sage-Grouse, includes six alternatives:

- Alternative 1 (2015 RMPA);
- Alternative 2 (2019 RMPA);
- Alternative 3 (Preservation);
- Alternative 4 (Conservation focus with situational allowance for development);
- Alternative 5 (Conservation with additional flexibility for site-specific development); and,
 - ☐ Alternative 5 is the BLM-Preferred Alternative at this time.
- Alternative 6 (Same as 5 with designation of Areas of Critical Environmental Concern).
 - ☐ There are no ACECs proposed for Churchill County

The attached support material includes slides, maps and a draft comment letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Jeremy Drew, Resource Concepts, Inc., made this presentation as outlined above. He said I am not going to go over everything today but want to focus on the main parts of our comment letter, which serves as a framework for some additional document-specific comments. We have been a Cooperating Agency in this process, so there has been a lot of work that has been done and which is being manifested into this letter.

We are still discovering, even as of yesterday, unintended consequences from the 2015 RMPA, so my punchline to the BLM has always been, "Take the time to get it right." I am not sure if that is resonating just yet but we will continue to beat the drum. With the 2019 alignment RMPA done by the BLM, I think they did a very good job of that. Unfortunately, that got held up by a legal ruling, so that plan was never adopted. The current BLM proposal is intended to

resolve those issues, as well as to “improve” their plan. I think some of that is in the eye of the beholder but both the 2015 and 2019 plans are actually alternatives under this plan.

Page 1 of the letter is a standard introduction of potential impacts to the eastern third of the county. We cite our Master Plan and I will give kudos to Chapter 12 where we talk about wildlife resources being the responsibility of the state because that has provided me with the ability to say that the Resource Management Plan really needs to be consistent with the State of Nevada Plan. If things go completely sideways or south, there will be a Governor’s Consistency Review on this and that is probably our best means of trying to make sure this thing doesn’t get completely out of hand. On page 2, we talk through the planning area and the complexity of this. One of the issues with the 2019 plan is that the court said there was not consistency across the range of sage grouse, so what they have done is to put every state with sage grouse under one plan. That has resulted in a 2,500 page document, including 19 appendices. For somebody who has been through this now three times, it is a complete train wreck. Me saying that on public record is not the first time the BLM has heard this. They probably heard this at the second meeting that we had as Cooperating Agencies. Not only am I struggling, I guarantee the general public is struggling. Really, it brings us to our biggest recommendation and that is have the BLM issue a Supplemental Draft EIS and basically take another crack at this, with a little bit more focused effort on Nevada and not every single state. They have already done their range plant analysis, so they can boil this thing down and have a Supplemental Draft EIS specific to the State of Nevada so that we can take the time to make the adjustments and get it right for our state.

One of the big issues and concerns that I have is Alternatives 1 and 2, the 2015 and 2019 plans, include mapping that was adopted by the state. Because the state has authority over sage grouse, I think that is really, really important. The other Alternatives, 3 – 6, actually rely on an incomplete USGS model and, although I may have the versions wrong, but what they have published is like version 11 and what the State of Nevada adopted just last week is like version 15. The public has not had the benefit of seeing the actual final and adopted state maps. We went through this in 2015 and what happened was the BLM and the State of Nevada used different maps for literally 6 years, which was not the best way to run a railroad. We have advocated in Alternatives 3 – 6 the need, again, to issue a Supplemental Draft EIS so the public and the cooperators are actually looking at the final adopted maps. I didn’t put copies of maps in here but I will follow up with that in my next update but there is a significant difference between what the BLM published and what the State of Nevada adopted last week in Churchill County. For example, 3 – 6 on the BLM maps includes portions of Sand Mountain all the way up into Salt Wells and most of Dixie Valley. We actually went out and photo-documented areas that were not sage grouse habitat that resulted in changes in the map. The problem is, those changes didn’t get incorporated into the Draft EIS. That is why we have been emphasizing the need for BLM to slow this down and get the right maps into the process.

They have 6 different Alternatives, which I believe we talk about on the top of page 3. We write a little bit on each:

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- **Alternative 1 (2015 Land Use Plan Amendments):** This alternative is fatally flawed in that it is inconsistent with the State Plan and does not contain key exceptions for County administrative and emergency functions.
- **Alternative 2 (2019 Land Use Plan Amendments):** This alternative is the most consistent with the State Plan, and subsequently the County's Master Plan. It provides key provisions for County administrative and emergency functions in Greater Sage-Grouse Habitat, and contains mapping that was approved by the State of Nevada.
- **Alternative 3 (Preservation including Areas of Critical Environmental Concern):** This alternative is fatally flawed because it is inconsistent with the State Plan, inconsistent with the County's Master Plan and would have significant socioeconomic impacts on the County due to its restrictive nature. Another fatal flaw includes the fact that all habitat management areas would be designated as "priority". Given that the County has documented how this map includes non-habitat, this would be hugely problematic. Finally, the County questions how this alternative is consistent with the BLM's own multiple use mandate.
- **Alternative 4 (Conservation focus with situation allowance for development):** This alternative is fatally flawed as it relies on incomplete and incorrect maps. There are also inconsistencies with the State Plan and the County's Master Plan.
- **Alternative 5 (Conservation focus with additional flexibility):** This alternative is fatally flawed as it relies on incomplete and incorrect maps. There are also inconsistencies with the State Plan and the County's Master Plan, though they are less than in Alternative 4.
- **Alternative 6 (Alternative 5 with Areas of Critical Environmental Concern):** This alternative is fatally flawed as it relies on incomplete and incorrect maps. There are inconsistencies with the State Plan and the County's Master Plan, and the County does not support the designation of Areas of Critical Environmental Concern as it would result in focusing conservation measures and active management to areas outside of Churchill County.

Alternatives 4 – 6 are various renditions of each other. Two of those, Alternative 3 and 6 propose designations of Areas of Critical Environmental Concern (ACEC). The good news on that is that there are none of those designated in Churchill County, so that is a plus. Quite frankly, all of our really good sage grouse habitat has already been designated as Wilderness Area, so we can make a pretty good argument if that were ever proposed.

What we are suggesting the BLM do is, when they issue a Supplemental Draft EIS, they advance Alternatives 1, 2 and 5 and that is where I think we could really have a focus and adapt

a plan that works best for not only the county but also the State of Nevada. We are asking them to drop Alternatives 3, 4 and 6, so the two with the ACECs and those bigger restrictions.

The next page talks about special designations. Again, we don't have any proposed ACECs or Sagebrush Focal Areas (SFA) but, to show anonymity with the other counties that do, we are suggesting that they simply do not need those special designations. The second part shows a lot in one table, so this is an allocation or basically how the BLM would make decisions in sage grouse habitat for the different land uses.

Table 2-1: Summary of Allocation Decisions by GRSG Habitat Management Areas¹. (NV Counties 2023)

Resource	PHMA	GHMA	OHMA	ACEC
Land Tenure ²	Retain	Retain / Dispose	Dispose	Nevada Counties do NOT support the designation of ACECs as part of this planning effort.
Solar, Wind and Renewable Energy Storage	Exclusion	Exclusion ²	Avoidance ²	
Major ROWs ^{3,4}	Avoidance	Avoidance	Open	
Minor ROWs ^{3,4}	Avoidance	Open	Open	
Fluid Mineral Development and Leasing	Closed	Open w/ Major Stipulations ²	Open w/ Minor Stipulations ²	
Nonenergy Leasables ²	Closed	Open	Open	
Salable Minerals ²	Closed	Open	Open	
Locatable Minerals ⁴	Open	Open	Open	
Travel Management	Limited ⁵	Limited ⁵	Open	
Livestock Grazing	Open	Open	Open	

Notes: 1. All Allocation Decisions are subject to field verification and modification of modeled HMA.
2. Projects may qualify for a BLM waiver, exemption, or modification (WEM) and must meet the regulatory requirements of the State of Nevada, including the Conservation Credit System.
3. Projects located within designated corridors, co-located with existing infrastructure, or located in degraded habitat will be given WEM preference.
4. Projects must meet the regulatory requirements of the State of Nevada, including the State Conservation Credit System.
5. Not applicable to State, local or public roads. Travel is limited to existing roads and trails.

This is something we worked with Humboldt, Eureka, White Pine, Lander, and probably another county I am missing to develop. What we had advocated for here, which is in some of the footnotes, is that these are preliminary allocation decisions. Because the mapping that the State of Nevada has is modeled, we know it is wrong. The famous saying is, "All models are wrong and some are useful" and that is certainly the case here. Under Alternative 1, we say all allocation decisions are subject to field modification and modification of the modeling. Then we talk about the potential for waivers and using the state's conservation private system to allow some of these uses, even if they are in priority habitat in some cases. The biggest difference we have in this table to what BLM is proposing in the Preferred Alternative is that we are suggesting that renewable energy does not belong in priority or general sage grouse habitat and that the Nevada counties are not supportive of ACECs. I don't think that is an issue for Churchill County given where priority and general habitat resides. It is not in areas where you would typically want to be developing renewable energy but I did want to flag for you that that is probably the biggest difference between what the BLM is proposing and what we are suggesting should be in the proposed alternative.

Chair Getto asked if there were any questions. Commissioner Scharmann said is the problem coming from Washington D.C.? Mr. Drew said that is a great question. My perception is that, when they went to a flight approach, it looped in I think 10 different states. They are proposing to amend 76 different Resource Management Plans. When you do that, two things happen. One, you end up with a Project Manager who is either regional or out of the D.C. office that doesn't necessarily understand the State of Nevada. Two, you are trying to develop a plan across a

range of area. We represent White Pine County on this too and Churchill County and White Pine County are day and night different. When you start looping in Utah, Idaho, eastern Oregon, Wyoming, the threats are different and the land uses are different. One of the recommendations we made early on about developing a Nevada specific plan is not only will it allow us to focus on getting Nevada right but we also advocate for making sure that our State Director signs the plan and not the Washington office. To answer your question more succinctly, yes, I think part of the problem is the Washington office has their fingers a little too far into the pie.

Mr. Drew said the only other thing that we flagged, which is a major topic in the letter, is adaptive management. In 2015, they used that term extremely loosely. Basically, what it meant was that, if sage grouse populations start going down, we are not going to allow anything to happen and there is no way to come back out of that. It doesn't meet my definition of adaptive management and it didn't meet the Department of the Interior's own definition of adaptive management, so that whole program completely changed in 2019. The problem is, their designated or preferred alternative has yet another adaptive management process. We are really advocating for sticking with the state's adaptive management process because that could really dictate some significant differences between what is in the RMP and what happens if populations start to decline, which we, frankly, have seen in Churchill County, largely due to wildfire. That is the last main point that we make in the letter.

As you saw, we also have an attachment called the document specific comments. You will see there are gaps in there and there are probably a few typos in there. If you all decide to adopt the letter today, I will use that as a framework to finish this table off. Just given the sheer size and magnitude of the EIS, we could use another week to fill this out but what we would do is fill it out in the framework of those major themes in the letter. With that, I am happy to answer any questions.

Chair Getto asked if there were any questions. Commissioner Scharmann said is the main population of sage grouse in the Stillwaters? Mr. Drew said, within Churchill County, the main populations are in the Clan Alpines and the Desatoyas, probably more so. The model habitat does show some habitat on the top of the Stillwaters where it actually looks like sage grouse habitat, which is good. The state has actually designated population management units that exclude the Stillwaters because, if there are any birds there, which I have not heard of anyone seeing birds in a really long time, historically long time, I don't know that they have the seasonal habitat available to them to make them a viable population. The state has kind of not written off but carved the Stillwaters out of anything they want to focus management on.

Chair Getto asked if there were any questions or public comment but there was none.

Commissioner Justin Heath made a motion to approve the draft comment letter to the Bureau of Land Management's Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse and to authorize the County Manager, in coordination with RCI, to complete a document-specific attachment

consistent with the letter. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Adoption of Resolution 10-2024, a resolution designating the Churchill County Library Director to be a position for which there is a critical labor shortage and as a critical need position.

Staff is requesting that the board designate the Library Director position as a Critical Labor Shortage Reemployment Position (CLS), or critical need position, due to the sudden departure of the Library Director. This CLS designation would allow the county to temporarily re-employ a retired public employee as the Library Director without impacting the retired public employee's benefits.

The Library Director position will be vacant as of June 1, 2024. Human Resources has begun the recruitment process but the position requires someone with knowledge of the existing library operations, systems, and programs. NRS 286.523 authorizes the County Commissioners, as the governing body of Churchill County, to review and designate the position as a critical need position if the county were to re-employ a retired public employee. NRS 283 requires that the board, before making a CLS designation, consider all efforts made by the county to fill the position and that the board make certain written findings. Positions for which there are critical labor shortages must be determined in an open public meeting. If the position is declared as a CLS position, the retiree can return to work after retirement and not have their retirement benefits impacted by returning in a PERS eligible position. Resolution 10-2024 makes the required findings to designate the Library Director position as a CLS position and has been included in the Agenda Packet, along with the Critical Need Position Designation Form required by PERS, which must be submitted to PERS.

FISCAL IMPACT: The annual cost difference between the current Director's salary and critical need salary is \$28,912.00. If the position exists for 3 months, the cost to the department would be \$7,228.00

EXPLANATION OF IMPACT:

FUNDING SOURCE: General Fund

ACTION REQUESTED: Adopt

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHURCHILL COUNTY DESIGNATING THE CHURCHILL COUNTY LIBRARY DIRECTOR POSITION TO BE POSITION FOR WHICH THERE IS A CRITICAL LABOR SHORTAGE AND A CRITICAL NEED POSITION.

Joseph Sanford, Civil Deputy District Attorney, made this presentation as outlined above.

Chair Getto asked if there was any public comment. Judith Wedman-Gillespie asked who is going to be the Director of the Library then and how is that going to affect the other employees. County Manager Barbee said the county management staff, nor the Commission, does the hiring for the Director. That authority lies with the Library Board of Trustees. We have a couple of folks here locally who are retired from the management of the Library, so that should give you some indicator of what that applicant may look like. Ms. Wedman-Gillespie said are they

going to have to have a Bachelor's Degree? Mr. Barbee said they will have to meet the requirements of the statute, which I believe is a Master's Degree. Ms. Wedman-Gillespie said where will they find someone like that to move to Churchill County? Mr. Barbee said that is why we have to have a public process. I think that is why we are looking at a former employee coming in for maybe 6 months to get things back up and running and then do a search to find someone who fits those requirements. Those requirements are not the county's requirements, those are the requirements of the State of Nevada set by statute. Ms. Wedman-Gillespie said then the Library will continue to be open then? Mr. Barbee said yes and hats off to Chris and his work with the Library Board in being able to basically bring back 3 employees so that we were able to open back up on Tuesday. It has been open since Tuesday and moving forward with not exactly the same hours but a pretty good share of opening. Hopefully, we can get the individual hired into this critical need position and then they will be able to start hiring the positions that are not coming back, promoting and pushing those out while, at the same time, putting together a national search for a Library Director. Ms. Wedman-Gillespie said will the pay be equal to their education, though? Are they offering better pay? Mr. Barbee said that is all through comp studies that have been done at the county. It is nothing different than what has been for the last years, although the salary is different because it has been adjusted over the last 10 years, but it involves a whole process. Ms. Wedman-Gillespie said there is not going to be a restriction of books or what people can read or have access to? I just don't want a mini-Nazi standing there saying you can't check that book out. Mr. Barbee said that falls under the Library Board. There are currently open positions for the Library Board. If you are interested, you can apply. She said she doesn't have a Bachelor's Degree and was told it is not required to serve on the board. Mr. Barbee said the only powers the Commission has beyond budget for the Library is the appointment of the Library Board members. The Library Board members have no other requirements than to be Churchill County residents. She asked how often the board meets and was told once per month. Again, Ms. Wedman-Gillespie said the Library will stay open? Mr. Barbee said we cannot make those determinations for you because we do not run the Library. Again, I cannot say this enough times. That is totally under the authority of the Library Board. Ms. Wedman-Gillespie said have they reached out to the old Librarians who worked there? Chair Getto said those are the 3 that have been hired back. She asked if he knew who they were and was told it is under the purview of the Library Board. We appoint who serves on the Library Board but that is all that we do besides budget. Ms. Wedman-Gillespie said, when it was closed, it was horrifying. Mr. Spross said it is open once again and this week it will be open Tuesday – Friday. Next week, it will be Tuesday – Saturday. It will involve limited hours, maybe 10:00 AM – 6:00 PM, just because we have not yet filled the entire staff that was there before. Ms. Wedman-Gillespie said as long as it is still open. I keep thinking about all of those kids I used to see going for their programs. Mr. Barbee said folks of all ages use the Library. Ms. Wedman-Gillespie said Librarians are very valuable. Mr. Barbee said nobody will argue that. Ms. Wedman-Gillespie said it would be a useless waste of the Library if nobody learned to read or write so that they could go there.

Commissioner Harry Scharmann made a motion to adopt Resolution 10-2024, a resolution designating the Churchill County Library Director position to be a position for which there is a critical labor shortage and a critical need position. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Letters Received:

A- Carson-Truckee Water Conservancy District's Final Budget for Fiscal Year Ending June 30, 2025.

The Carson-Truckee Water Conservancy District (CTWCD) provides its Final Budget for Fiscal Year Ending June 30, 2025 for informational purposes.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Bureau of Land Management's public consultation for the Clifford Spring and Shovel Spring Exclosure Projects for proposed range improvements requested by the Nevada Department of Wildlife around degraded water sources.

The Bureau of Land Management (BLM) provides notice of its public consultation for the Clifford Spring and Shovel Spring Exclosure Projects for proposed range improvements requested by the Nevada Department of Wildlife around degraded water sources. The purpose of this project is the protection of springs and riparian habitats from reoccurring grazing and trampling by wild horses and/or livestock. All fences would be constructed in Nye and Esmeralda County on lands managed by the BLM. No new disturbance is proposed for the construction of the exclusionary fences. Comments are due within 30 days of the date of the letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Nevada Division of Environmental Protection's notification to the City of Fallon of a new case officer for the maintenance yard and NDEP's response to the First Quarter 2024 Groundwater Monitoring Report.

The Nevada Division of Environmental Protection (NDEP) provides notification to the City of Fallon of a new case officer for the maintenance yard and NDEP's response to the First Quarter 2024 Groundwater Monitoring Report. The report summarizes the monitoring and sampling of 12 site monitoring wells. Dissolved phase contaminants were detected in groundwater samples about the Maximum Contaminant Levels or Nevada State Action Levels.

The report recommends continuation of the quarterly groundwater monitoring and reporting program. NDEP concurs with this recommendation. The next quarterly report is due no later than July 28, 2024.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

D- Bureau of Land Management's notification the department has prepared an Environmental Assessment (EA) to analyze the potential impacts of modifying grazing

permits to create flexibility in livestock management to improve Lahontan Cutthroat Trout habitat on BLM-administered grazing allotments.

The Bureau of Land Management provides notification the department has prepared an Environmental Assessment (EA) to analyze the potential impacts of modifying grazing permits to create flexibility in livestock management to improve Lahontan Cutthroat Trout (LCT) habitat on BLM-administered grazing allotments. The EA would analyze the environmental effects of a protocol for applying flexibilities in the terms and conditions of grazing permits administered by the Carson City, Winnemucca, Battle Mountain, and Elko Districts. The project area includes 28 allotments administered through 38 permits, containing approximately 368 miles of occupied LCT stream habitat and approximately 875 acres of occupied LCT lake habitat.

Lahontan Cutthroat Trout are a federally listed threatened species, with habitat throughout northern Nevada, southern Oregon, and eastern California.

Under the proposed action, the BLM would establish a protocol for classifying and monitoring LCT streams to allow for grazing permit modifications on BLM-administered grazing allotments containing occupied LCT habitat. Grazing flexibilities would be implemented based on monitoring results and would include any potential modification to the terms and conditions on grazing permits, including season-of-use alterations, changes in the class or kind of livestock, changes to pasture rotation, earlier or later livestock on/off dates, changes in stocking rates, and implementation of rest-rotation or a deferment of pastures or allotments. Grazing flexibilities would be complemented by various activities intended to restore watershed conditions and could include one or a suite of activities to achieve objectives. Further details are provided in the notice.

The BLM will be conducting two in-person public meetings and two virtual public meetings: May 28, 2024 from 4:00-6:00 PM in Elko; May 29, 2024 from 4:00-6:00 PM in Winnemucca; and May 30, 2024 from 10:00-12:00 and 4:00-6:00 via Zoom (see link in notice). Written comments can be made as outlined in the notice.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Old Business:

A- Consideration and possible action re: Approval of an Agreement for purchase of a Conservation/Restrictive Use Easement with Dodge Bros, Inc., on Assessor's Parcel Number 006-591-06, totaling 328.90 acres with 279.57 acres of water rights.

The subject property is under the ownership of Dodge Bros, Inc., which is an approved Sending Site. The Sending Site Application includes 328.90 acres of land, with 279.57 water rights being included in this easement. The landowner elected to reserve one future homesite. Easement on this property and development rights transferred to designated receiving sites will preserve agriculture and facilitate Naval Air Station Fallon's plan to minimize urban growth on lands surrounding the base. This purchase meets Churchill County TDR Program goals.

FISCAL IMPACT: Estimated Total Cost: \$683,000, plus closing costs, to be divided 75% Navy and 25% Churchill County. Churchill County's portion to be paid from the Water Resource Fund. Funds have been budgeted and are available for this purchase.

EXPLANATION OF IMPACT: Approving these expenditures will support the Transfer of Development Rights (TDR) Program for Churchill County, protect productive agricultural lands, and reduce the ability for urban growth to encroach upon NAS Fallon. The reduction of encroachment upon NAS Fallon will protect one of our community's most important economic assets, while also keeping water in our valley. The TDR Program offers community benefits and potentially facilitates the ability of developers to bear some of the fiscal responsibility of urban growth.

FUNDING SOURCE: U.S. Navy and Water Resources Fund (380-380-76631).

ACTION REQUESTED: Accept

Jim Barbee, County Manager, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve purchase of a Conservation Easement and 444 Transferable Development Rights from the approved Sending Site, Assessor's Parcel Numbers 006-591-06. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Granting a single one-year extension of time to Fernley Business Park, LLC to record a merger and resubdivision Parcel Map for property located adjacent to the county line and railroad tracks at 17127 Inland Port Drive, Assessor's Parcel Numbers 009-251-77 & 009-251-78, consisting of 163.78 acres in the Industrial zoning district.

On May 4, 2023, the board approved a Merger and Resubdivision Parcel Map for Fernley Business Park, LLC to divide the property into four (4) parcels. This industrial property and rail facility is at the county line near Hazen. One of the property owners is balking at completing the map and additional time is needed to work out issues.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Randy Hines, Public Works Director, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Harry Scharmann made a motion to grant a single one-year extension of time to Fernley Business Park, LLC to record a Parcel Map for property located at 17127 Inland Port Drive, APNs 009-251-77 & 009-251-78. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Rescinding the reappointment of Tara Price-Gritzmacher and Ashlee McGarity to the Library Board of Trustees, with a term beginning July 1, 2024, to comply with the Churchill County Board Nomination Policy.

Tara Price-Gritzmacher was initially appointed to the Library Board of Trustees to fill an unexpired term from July 1, 2023 to June 30, 2024 and Ashlee McGarity was appointed to the board with a term beginning on July 1, 2020 through June 30, 2024. Per the Churchill County Board Nomination Policy (Doc #443434), adopted by the Board of County Commissioners on November 6, 2014, it states, under Monitoring and Notification: "Notification to the board member whose term is expiring will include direction on how to re-apply if the member is still interested in serving, unless the board member is subject to term limits. A copy of the written notice shall also be sent to the relevant department head and the County Manager."

The members were not instructed on "how to re-apply" and thus were not given a copy of the Application to re-apply for another term. Action is being sought to rescind the reappointment, after which the eligible board members will be provided with an Application to reapply for the open terms. The open positions will be advertised to the public as set forth in the Policy in the intervening period. NRS 379.020 authorizes the trustee to hold office until their successors are appointed and qualified, so any delay will not impact operations of the board.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to rescind action taken to reappoint Tara Price-Gritzmacher and Ashlee McGarity to the Library Board of Trustees for a term beginning July 1, 2024 to comply with the Churchill County Board Nomination Policy, to advertise the open Library Board of Trustees terms to the public in compliance with the policy, and require any interested person or incumbent trustee to apply for the positions in accordance with the policy. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Ratification of a Memorandum of Understanding (MOU) between the Bureau of Land Management and Churchill County which outlines the roles and responsibilities of the parties throughout the NEPA process for the Sierra Solar Utilities and Access Roads Project.

NV Energy filed its Application for the Sierra Solar Utilities and Access Roads Project. Churchill County requested to be a Cooperative Agency in the NEPA process. The board is asked to ratify the Memorandum of Understanding (MOU) between the Bureau of Land Management and Churchill County, which outlines the roles and responsibilities of the parties throughout the NEPA process for this project.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Harry Scharmann made a motion to ratify the Memorandum of Understanding with the BLM for the Sierra Solar Utilities and Access roads Project. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: Approval of the personnel changes for Fiscal Year 2024-2025 as approved in the FY 24-25 Budget.

During the process for creating the Budget for FY24-25, departments submitted various personnel requests. After revisions due to budget constraints, the board considered those requests, and a few were approved. To ensure clarity and to create a record of those approved personnel changes, staff is requesting specific board action approving those changes. Below is a summary of the changes approved by the board during the process:

- Alternate Public Defender – approve a new, full-time position of Deputy Public Defender I as required by the Department of Indigent Defense. Posting for this position begins July 8, 2024.
- Building Department – acknowledge the elimination of the Building Official position effective May 24, 2024.
- Building Department – retaining the title of Building Official position, with modifications to the job description. Posting for the position to begin immediately after approval of the job description.
- Building Department – approve the reclassification of a Permit Technician to Building Inspector, effective July 8, 2024.
- District Attorney – approve the reclassification of a Legal Secretary Trainee to Legal Secretary, effective July 8, 2024.
- Human Resources – acknowledge the elimination of the Human Resources Director effective April 1, 2024
- Human Resources - approve a new, full-time position of Human Resources Manager and assign the new position a Pay Grade 68. Posting for the position to begin July 8, 2024
- Human Resources – approve a new, full-time position of Human Resource Generalist and assign the new position a Pay Grade 50.
- Human Resources - approve the reclassification of an HR Specialist to an HR Generalist, effective July 8, 2024.
- Interns – Increase the starting wage for interns from \$11.25/hour to \$12.00/hour as a result of the new minimum wage requirements.
- Parks & Recreation (Recreation Athletics) – to compensate for a rise in minimum wage, approve the Camp Counselors wage from Grade 18 to Grade 23. This increases the first step of the position from \$11.44/hour to \$12.95/hour effective July 8, 2024.

- Parks & Recreation (Recreation Athletics) – to maintain the Grade separation between Camp Counselors and Recreation Leaders, approve the Recreation Leader I wage from Grade 23 to Grade 28 (\$12.95/hour to \$14.66/hour) and the Recreation Leader II from Grade 25 to Grade 30 (\$13.61/hour to \$15.40/hour), effective July 8, 2024.
 - Parks & Recreation (Aquatics) – to compensate for a rise in minimum wage and to stay market competitive, approve the wages of the Lifeguards from \$11.25/hour to \$14.17/hour, Lead Lifeguards from \$12.29/hour to \$15.47/hour, and Senior Lifeguards from \$13.83/hour to \$17.40/hour effective July 8, 2024.
 - Public Defender – approve a new, full-time position of Senior Legal Secretary and assign the new position a Pay Grade 50.
 - Public Defender - approve the reclassification of a Legal Secretary to a Senior Legal Secretary, effective July 8, 2024.
 - Public Defender - approve a new, full-time position of Office Specialist as required by the Department of Indigent Defense. Posting for the position to begin July 8, 2024.
 - Public Defender - approve four (4) new, full-time positions of Deputy Public Defender I as required by the Department of Indigent Defense. Posting for the positions to begin July 8, 2024.
- FISCAL IMPACT: None, beyond what was approved in the budget for FY 24-25.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chris Spross, Assistant County Manager/HR Director, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the personnel changes for FY 2024-2025 as indicated in the Agenda Report, except the change for the retention of a Building Official. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Approval of an Amendment to Memorandum of Agreement (MOA) between the Bureau of Reclamation, U.S. Fish and Wildlife, and Churchill County for delivery of Treated Effluent to Stillwater National Wildlife Refuge.

In 2010, US Fish and Wildlife (USFW), Bureau of Reclamation (BoR), and Churchill County entered into a Memorandum of Agreement (MoA) to distribute effluent from the Moody wastewater facility to the Stillwater Refuge using BoR facilities. USFW was required to apply for a water rights certificate associated with this Agreement, and has applied for the water right permit since that time. The discharge of treated effluent from the Moody facility has generally been unnecessary in the intervening period, so no certificated beneficial use has been established in the intervening time.

USFW has requested, and this Amendment provides, that Churchill County be responsible for applying for any necessary water right permits under this Agreement.

FISCAL IMPACT: ~\$1,000

EXPLANATION OF IMPACT: Cost of permit applications

FUNDING SOURCE:

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, made this presentation as outlined above.

Chair Getto asked if there was any public comment but there was none.

Commissioner Harry Scharmann made a motion to approve the Amendment to Memorandum of Agreement as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consent Items:

A- Consideration and possible action re: Report of the condition of each fund in the treasury and the statements of receipts and expenditures pursuant to NRS 251.030 and NRS 354.290.

A Fund Balance Report is attached indicating the beginning balance, receipts, disbursements, and the ending balance of each fund for Churchill County as required by NRS 251.030 and NRS 354.290.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Sheriff's Civil Report for the month of April 2024 totaling \$3,789.00.

The Sheriff's Office provides its Civil Report for April 2024 for the board's review and acceptance. A total of \$3,789.00 was received as revenue for the month.

FISCAL IMPACT: \$3,789.00.

EXPLANATION OF IMPACT: Fees collected help to off-set the services provided.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

C- Consideration and possible action re: Report of Services provided for children with disabilities and related conditions pursuant to NRS 435.010.

Each county has an obligation to provide services for the care, support, and education of children with intellectual disabilities within their county. This report must be provided to the Legislative Counsel Bureau. Churchill County has provided its biannual report indicating that Churchill County is in full compliance with NRS 435.010 and has entered into an Interlocal Agreement with the State of Nevada to provide these services:

1. Respite care - approved on a case-by-case basis.
2. Targeted case management - for all participants.
3. In-home habilitation - as requested.
4. Purchase of services - approved on a case-by-case basis.
5. Supportive living arrangement - as requested.

6. Clinical services - for all participants.

FISCAL IMPACT: As outlined in the Interlocal Agreement.

EXPLANATION OF IMPACT: As outlined in the Interlocal Agreement.

FUNDING SOURCE: As designated.

ACTION REQUESTED: Accept

D- Consideration and possible action re: Notification of a referral for Guardianship submitted on behalf of proposed Protected Person #24-10DC-0593 on May 10, 2024.

Notification of referral submitted on behalf of proposed Protected Person CASE #24-10DC-0593 per NRS 159. An investigation and determination will be made pursuant to Nevada Revised Statutes 159.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

E- Consideration and possible action re: Notification of order to investigate for Guardianship for CASE #24-10DC-0593 has been denied.

Notification of investigation for guardianship for CASE #24-10DC-0593 being denied due to not being a resident of Churchill County.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Chair Getto asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the Consent Agenda as submitted. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

Consider Future Agenda Items:

There were no future Agenda items suggested.

Commissioner and Management Staff Reports:

Chair Getto reported on the following topics:

- I had a meeting in Reno, which was good.

Commissioner Heath had nothing to report.

Commissioner Scharmann had nothing to report.

County Manager Barbee reported on the following topics:

- Lots of meetings.
- I have been dealing with a lot related to the Library but it seems we are turning in the right direction now.

Comptroller Wideman had nothing to report.

Civil Deputy DA Sanford had nothing to report.

Deputy Clerk Moore had nothing to report.

Sheriff Hickox had nothing to report.

Claims and Payroll Transmittals:

The Claims and Payroll Transmittals were submitted for the board's consideration and approval.

Public Comment:

Chair Getto asked if there was any public comment but there was none.

Quarterly Jail Inspection:

A- Pursuant to N.R.S. 211.020, the Commissioners will conduct the Quarterly Jail Inspection at the Churchill County Jail upon the close of meeting to inquire into the security of the jail and treatment and condition of the prisoners.

Pursuant to N.R.S. 211.020, the Commissioners will conduct the Quarterly Jail Inspection at the Churchill County Jail upon the close of meeting to inquire into the security of the jail and treatment and condition of the prisoners. A report of the inspection will be prepared and recorded.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

The quarterly jail inspection was scheduled but did not occur. It was rescheduled for June 20, 2024.

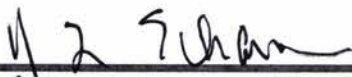
Adjournment:

The meeting was adjourned at 9:09 AM.

Approved: _____


Myles Getto, Chairman

Approved:


Harry "Bus" Scharmann, Vice-Chairman

Approved:


Justin Heath, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer


Pamela D. Moore, Deputy Clerk to the Board