

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406
March 6, 2025

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on March 6, 2025.

PRESENT:

Commissioner Myles Getto
Commissioner Eric Blakey
Commissioner Matt Hyde
County Manager Jim Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Clerk/Treasurer Linda Rothery
Deputy Clerk to the Board Pamela D. Moore
Deputy Clerk Crystal Muschetto
N/A

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 of the Board, that the Agenda for this meeting was posted on the 28th day of February, 2025, between the hours of 1:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

Commissioner Matt Hyde made a motion approve. Commissioner Eric Blakey seconded the motion, which carried by unanimous vote.

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

A- February 6, 2025.

The Minutes of the meeting held on February 6, 2025 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 Eric Blakey made a motion to approve the Minutes of the meeting held on February 6, 2025 as presented. Commissioner Matt Hyde seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Approval of a 12-month extension request by NEV DEV, LLC to complete the engineering and construction of the road improvements to record the Parcel Maps for APN: 008-176-82 as required by the conditions of approval.

On March 7, 2024, the Board of County Commissioners approved two parcel maps for NEV DEV, LLC to divide one parcel into seven parcels on APN 008-176-82, located on Desert Hills Loop. A condition of approval was for the roads serving the seven parcels to be constructed or financially guaranteed prior to recording the maps. The Applicant has requested a 12-month extension to finalize the required design documents and to complete the construction of the road improvements.

FISCAL IMPACT: None

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Matt Hyde made a motion to approve a 12-month extension to complete the road improvements. Commissioner Eric Blakey seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Ratification of an Agreement between Churchill County Social Services and the State of Nevada, Department of Industry, Division of Housing, in the amount of \$25,000 to support a contract with Winged Wolf Innovations, Inc. on behalf of the Rural Nevada Continuum of Care.

The Rural Nevada Continuum of Care is a required group to oversee homeless activities outside of Clark County and Washoe County as part of the Housing and Urban Development (HUD) Supportive Housing Program to obtain funding. The Rural Nevada Continuum of Care is not a legal entity but is a designation approved by HUD. It is not eligible to obtain funds directly to support contracts for the coordination activity. In 2023, Churchill County Social Services was approved by the Board of County Commissioners to support the efforts to pass through funding as required to support the contract with Winged Wolf Innovations, Inc.

As of 2024, Winged Wolf Innovations, Inc. has been approved as a State Vendor. The Account for Affordable Housing Grant has been made by the State of Nevada, Department of Business and Industry, Housing Division, in the amount of \$25,000.

It is requested that the funding Agreement be ratified and, further, to authorize the Director to

enter into a Contract with Winged Wolf Innovations to fulfill the scope of work as outlined in the funding Agreement.

Disclaimer: Shannon Ernst's daughter, Jordan Ernst, is an employee of Winged Wolf Innovations. Jordan has no controlling interest, financial gain or oversight of this contract. Churchill County contracted with Winged Wolf Innovations Inc. with prior Agreements as to her becoming an employee.

FISCAL IMPACT: \$25,000 - funding award

EXPLANATION OF IMPACT: \$23,500 - Winged Wolf Innovations, Inc. Contract; \$1,500 - Social Services for administration.

FUNDING SOURCE: State of Nevada Account for Affordable Housing Grant.

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 Eric Blakey made a motion to ratify the Agreement and to authorize the Director of Social Services to execute the Agreement as presented. Commissioner Matt Hyde seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Review of the State of Nevada, Division of Child and Family Services, Child Protective Services, Summary and Maltreatment Allegations 2nd Quater Report for Churchill County.

Per NRS. 277.180, Nevada Counties are required to pay a quarterly assessment for Child Protective Services rendered in the county. As part of the statute, a quarterly report is provided as to the number of reports, number investigated, number screened out, and number substantiated on a quarterly basis.

For the period of 10/1/2024–12/31/2024, the following has been reported:

Total reports 90

Screened out 79, provided additional information, information and referral, information only, no jurisdiction, family assessment service system.

Findings of screened in:

8 Invitiagtions

1 Substantiated - Neglect, physical injury abuse and 1 physical injury neglect

7 Unsubstantiated

Comparison from Qtr 1: 7/1/2024-9/30/2024

Total reports 83

Screened out 69, provided additional information, information and referral, information only, no jurisdiction, family assessment service system.

Findings of screened in:

5 Inviatiagtions

3 Substantiated - Neglect, physical injury abuse and 1 physical injury neglect

2 Unsubstantiated.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

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

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

D- Consideration and possible action re: Approval of the abandonment of a portion of Road 973100 as listed in Document #475559, located within APN 004-351-09 and APN 004-351-15; a portion of Road 973150 as listed in Document #475563, located within APN 004-351-09; a portion of Road 973160 as listed in Document # 475568, located within APN 004-351-09; a portion of Road 973171 as listed in Document #475570, located within APN 004-351-09; a portion of Road 973172 as listed in Document #475571, located within APN 004-351-09; a portion of Road 974200 as listed in Document #475591, located within APN 004-351-11; a portion of Road 973100 as listed in Document # 475559, located within APN 004-351-15; and the acceptance of the proposed road and utility easements located within APN 004-351-09, APN 004-351-11, and 004-351-15 filed by NV Energy.

NV Energy is planning a large Renewable Energy Facility, being a solar power project covering multiple square mile properties. The project will be developed in 2 phases. The 1st phase will be the north half nearest to the power transmission lines in the NW corner of the county, which will be submitted in coming months. The 2nd phase will be the south half, located closer to I-80. This Application for Abandonment of Easements is for the first phase. The next phase will necessitate additional abandonments.

The project is located in Hot Springs Flat Valley, located north of the Brady Hot Springs/Nightingale Interchange on I-80. There are multiple properties involved in this Application, all are owned by the Applicant, Sierra Pacific Power, dba NV Energy. These lands are in the “checkerboard” area of the county and federal lands are on each side of the applicant’s lands.

There are many roads crisscrossing the valley in the area of the solar project. Some are historic RS 2477 public roads, some are not and some have obtained easements on adjacent federal land. All have existed for 60-130+ years. The owner requests the county to abandon the multiple road easements but ONLY those segments passing through their 3 sections (square miles) of land. They also propose to relocate the roads around the perimeter of the 3 sections of land by establishing new road easements and constructing new road facilities.

The roads proposed for abandonment are identified by 8 recorded document filings of Churchill County Resolutions that identify potential RS 2477 roads. These roads are summarized on an

overall map of the area provided in the Application materials. Also summarized on the overall map are the proposed replacement roads. The replacement easement descriptions are also provided in the submittal package and will be recorded before any Order Of Abandonment for a road is recorded. Any road easements that are approved for abandonment will revert to the landowner.

NV Energy is currently constructing Phase 1 of a large Renewable Energy Facility. This board approved the 8 roads proposed for abandonment at the May 2, 2024 meeting. The construction of the turnaround at the beginning of the road, at the edge of the section line, has been constructed, allowing the remainder of road 3 to be abandoned.

This action will abandon the remaining roads as requested and accept easements for the replacement roads as previously required by the Commission.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Matt Hyde made a motion to approve the abandonment of the county roads and acceptance of the new road and utility easements as presented. Commissioner Eric Blakey seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Review of proposal to align Churchill Area Regional Transportation as part of Churchill County as requested by Churchill Area Regional Transportation Board of Directors.

CART is a non-profit but Churchill County not only provides the match to all grants but also provides operational funds to the organization as it is being reimbursed by NDOT and ADSD.

Since 2021, the Director's position with the Churchill Area Regional Transportation (CART) has been vacant. Through several attempts, the position has been unable to be filled. The county has worked with CART to evaluate alternatives. All attempts, even a partnership with the Western Nevada College, have been unsuccessful based on NDOT terms.

The CART Board of Directors met on February 28, 2025 and, through a vote, it has been requested that Churchill County evaluate taking over the operations of CART.

Staff have been evaluating what this could look like with it becoming part of the Churchill County Social Services, Aging and Disabilities Division. Through this evaluation, there is a potential cost savings for the county, as a whole, at around \$42,000, if all grants are maintained.

The urgency is that NDOT grants do not go into effect until October 1, 2025 but the Applications are due by March 10, 2025 and would need to be submitted with a new structure outlining this as a county program, not by the CART non-profit.

Staff have outlined two motions to ensure proper direction is obtained:

1. Motion to proceed with Churchill County to implement Churchill Area Regional Transportation as a county entity on or before October 1, 2025 and, further, to authorize and direct the Social Services Director to work with the CART Interim Director to submit NDOT 5310, 5311, and 5339 Grant Applications for FY26 and FY27 on or before March 10, 2025, to be effective on or before October 1, 2025.
2. Motion to not proceed with the implementation of Churchill Area Transportation to become a county entity and direct county staff to work with the CART Board of Directors to evaluate additional options for CART to be maintained as a non-profit.

Disclaimer: Commissioner Hyde and Shannon Ernst are both members of the CART Board of Directors. Other Members: Councilwoman Kent, Alan Christensen, and Connie Sexton. Two positions are posted to be filled, previously held by Ava Case and Candy Foster.

FISCAL IMPACT: Projected reduction of cost to the county at \$42,000 per year.

EXPLANATION OF IMPACT: The project is based on CART programming aligned with Churchill County Social Services.

FUNDING SOURCE: County Social Services Fund - Federal Match; NDOT 5310, 5311, and 5339; ADSD Independent Living grant.

ACTION REQUESTED: Accept

Shannon Ernst, Social Services Director, made this presentation as outlined above. Councilwoman Kent, as the Chair of CART, addressed the ongoing challenges the organization has faced in securing a permanent director. She acknowledged that they have been operating with an interim director for the past few years and have struggled to fill the position due to the inability to offer retirement benefits. This limitation has made the hiring process difficult.

Furthermore, she highlighted concerns regarding grant funding and uncertainty about their financial standing. She noted that the lack of expertise in the director's role has, at times, led to compliance violations. However, with the assistance of Ms. Ernst and the county attorneys, they have been working to correct these issues and bring the program back into compliance.

Councilwoman Kent emphasized that keeping and maintaining CART is of great importance for our community.

Commissioner Blakey inquired about the daily usage of CART services. Ms. Ernst did not have an exact number, prompting Cathy Lucero, the Interim Director for CART, to clarify. She

explained that daily ridership varies, ranging from 50 to nearly 100 riders on a good day. Additionally, CART provides approximately 17,000 duplicated rides annually. Ms. Lucero offered to provide the commissioners with a more precise tally if needed. Commissioner Blakey acknowledged the service's importance, stating that it is a vital part of the community.

The conversation then shifted to concerns regarding grant funding. Ms. Ernst explained that funding for CART operates on a competitive two-year cycle, meaning there is no guarantee of continued financial support. She emphasized that CART, like other social service programs, is at risk of reduced funding or losing funding altogether when competing for grants. She noted that while Adult Disability and Aging Services—one of CART's funders—has indicated they would support a county takeover of CART, NDOT does not allow modifications within its two-year grant cycle.

In the event that Churchill County assumes control of CART but fails to secure funding, the program would have to scale back operations, relying only on the Social Services Budget and Senior Tax Levy Budget to provide minimal services while working to rebuild. Ms. Ernst reiterated that alternative funding sources are always being explored.

Commissioner Blakey then asked if CART is placed under the Social Services Department would there be concerns about administrative capacity. Ms. Ernst responded that we would need to assess the organizational structure. If Churchill County assumes control, she would apply for grants on behalf of the county, allowing time to determine the best operational framework. She also pointed out the urgency of the decision, as the county needs to determine by October whether CART will transition under its management or remain an independent non-profit. This decision will guide whether she proceeds with grant applications on behalf of the county or allows CART to continue independently.

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

Commissioner Eric Blakey made a motion to proceed with Churchill County to implement Churchill Area Regional Transportation as part of the county on or before October 1, 2025, and to further authorize and direct the Social Services Director to work with the CART Interim Director to submit NDOT 5310, 5311, and 5339 Grant Applications for FY26 and FY27 on or before March 10, 2025, to be effective on or before October 1, 2025. Commissioner Matt Hyde seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Approval of an extension to, or amendment of, a Real Estate Purchase and Sale Agreement with Vertex Fund 3 for two parcels of land on Coleman Road, Fallon, Nevada, APNs 008-301-11 and 008-301-12.

On April 7th, 2022, the Board of County Commissioners agreed to a Purchase and Sale Agreement and associated DSLURS (Development Agreement) with Vertex Fund 3 for the sale and development of two parcels of land on Coleman Road, APN 008-301-11 and 008-301-12. That Development Agreement contemplated the sale, entitlement, and construction of the project under certain timelines as set forth below:

Feasibility Period – 95 days from execution of the agreement with up to two thirty-day extensions. -

Zoning Period – six months from the end of the feasibility period with up to three thirty-day extensions upon notice.

Entitlement Period – six months from conclusion of the zoning period with up to three thirty-day extensions.

Closing Period – Thirty days after all necessary approvals including SUP and final map approvals.

No requests for extension on any of these periods were requested and the property was rezoned to R-3 by the county in August of 2022. Accordingly, all entitlement work should have been completed within fifteen months of execution of the Agreement on or by July 2023.

A Tentative Map Application was received and approved by Churchill County and county staff ultimately contacted the developer in late 2023 for a discussion on the status of the project and the failure to comply with the timeframes set forth in the Agreement. The parties negotiated an Amendment to the Agreement to address the county's rights to terminate the Agreement for failure to obtain entitlements and to establish new timeframes under which entitlement would proceed.

Under the Amendment, the developer was to submit a final map no later than July 31, 2024, with final approval of that map to be completed by October 31, 2024. To account for the county's time to review the map and address any potential delays, the developer had the right to extend the deadline by two sixty (60) day extensions for issues outside their control. A final map was submitted on July 24, 2024. The county immediately sent the map out for review by a third party and issued all comments on October 17, 2024.

As the county required approximately eleven weeks to review instead of its expected six-eight weeks, the county authorized the first sixty-day extension of time at the request of the developer. The developer did not submit a revised Final Map Application during that period and requested a further extension. The county reviewed and approved the extension but expressed its misgivings given the likely inability to complete the required entitlement in the extension period. The developer was informed that further extensions are solely at the discretion of the Board of County Commissioners and they have requested such an extension and meeting before this board. A final map submittal was made to the Public Works and Planning Department on February 6, 2025, and is currently under review.

Staff recommends the board consider two alternatives based on the content of the meeting and the preliminary review of the submitted plans which will be discussed at the meeting.

- (1) If the board determines that, given the totality of the circumstances, including the currently under review submittal, continuing the Agreement and granting additional time is not in the best interest of the county, the board may deny the extension, prepare a notice of

default, and terminate the Agreement upon expiration of the current extension period on March 6.

(2) If the board determines that continuing to work with the developer is merited, staff recommends that it be done under a proposed amendment to the Real Estate Purchase and Sale Agreement. The proposed Amendment would address several areas that have changed since the original Agreement was drafted. Notably, the amendment would address (1) a reasonable entitlement and construction schedule for the project, including any potential phasing, (2) the county's cost obligations to developer in the event of default, and (3) the county's rights with respect to infrastructure and property associated with the Water and Sewer Extension Agreement in the event of default.

FISCAL IMPACT: No direct fiscal impact.

EXPLANATION OF IMPACT: No direct fiscal impact.

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

Steven Tuch, Managing Member of Virtex Fund 3, addressed the commission, acknowledging that significant progress had been made since their last meeting. He expressed confidence in the conclusions reached and aimed to present them clearly to the Board.

Following him, Garrett Gordon, representing Virtex from the law firm Womble Bond Dickinson, extended his gratitude to the chairman and commissioners for granting additional time to work through the matter. He specifically commended Mr. Sanford for his professionalism, responsiveness, and collaboration throughout the process. Mr. Gordon noted that the past few weeks had yielded substantial progress and indicated that he had prepared a brief presentation to outline the developments, hoping it would provide further clarity to the commission.

Amendment to Real Estate Purchase and Sale Agreement with Vertex Fund 3

MARCH 6, 2025 | CHURCHILL COUNTY BOARD OF COMMISSIONERS

PROJECT



Site Plan

- 420 Unit Apartment Project
- Support Churchill County's rental housing shortage
- Create transitional multi-generational housing
- To date, Vertex incurred **\$1,800,000 in costs** through rezoning and entitlement process (tentative and final map)
- Final map resubmittal to County on February 7th and NDEP submittal on March 3rd

THE EXTENSION

- Amended and Restated Agreement (waiver of feasibility period, environmental review, zoning period, project documents, etc.) → No additional extension rights
- Closing shall occur 45 days after approval of Final Plat and Entitlement Documents
- Entitlement Period ends on or before August 7, 2025 (August County Commission date to approve Final Map) → Immediate default
- Entitlement Period extended if "Unreasonable Reviewer Delay" such a BOR, NDEP, NV Energy, TCID, etc.
 - So long as delay is not cause by or contributed to by Purchaser
 - Entitlement Period shall not extend past December 31, 2025

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THE CONSIDERATION FOR THE EXTENSION

- Amended and Restated Agreement (waiver of feasibility period, environmental review, project documents, etc.) → No additional extension rights
- Increase deposit from \$6,000 to \$20,000
 - Deposit non-refundable if Purchaser default
- Post-closing Repurchase Option in event of violation of restrictions:
 - Extended Repurchase Option from 45 days to 180 days
 - Old Language: Repurchase Price is Purchase Price paid by Developer plus Improvement Costs OR appraised value of the site → Less 10% penalty of non-compliance
 - New Language: If construction not commenced or no hard costs incurred, Repurchase Price is the purchase price paid by developer plus Total Improvement Costs (discretion of County to purchase project documents) OR if construction has commenced or hard costs incurred, the appraised value of the Site at the time of default → 10% penalty remains

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REVISED SCHEDULE OF PERFORMANCE

- Bond Improvements: at time of recording Final Map per CCC 16.12.030.3. All underground improvements shall be completed within (18) months of closing and any surface and paving improvements shall be completed with (24) months of closing.
- Application for Building Permits: Within (9) nine-months of closing
- Commence Construction within two months of issuance of building permits
- Phased construction – each phase substantially complete within 2 years of start of construction.
- Each next phase starts within 1 year of last phase. No more than 4 phases as set forth in planned documents
- Phase 1 starts 2 months of building permit, substantially complete 24 months later
- Phase 2 starts 12 months of Phase 1 substantially complete 24 months later
- Phase 3 starts 12 months of Phase 2 substantially complete 24 months later
- Phase 4 starts 12 months of Phase 3 substantially complete 24 months later
- Water Extension Agreement Completed within first 18 months of closing

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Mr. Sanford addressed the board, seeking a discussion on the direction they would like to take regarding the ongoing agreement. He noted that while most aspects of the amendment had been settled, there were still a few unresolved details that required clarification.

One issue involved Exhibit B, which contained language about water rights being transferred, despite previous agreements that no such transfer would take place. Mr. Sanford described this as a minor cleanup issue but emphasized the need for precision. Additionally, he highlighted a more pressing matter regarding the property purchased by Vertex. He stated that it had been agreed upon that Vertex had no interest in transferring the property to the county in the event of a default. However, he wanted to clarify what would happen in such a scenario—whether the property would be purchased at an appraised value or if Vertex would retain ownership without the county being obligated to buy it. He expressed a preference for resolving this issue definitively to avoid potential litigation down the line but deferred to the board on whether they wanted to address it now.

Commissioner Hyde then inquired about the number of extensions granted for the project. Mr. Sanford provided a brief history, explaining that the initial term was set to expire in July 2023, but at that time, no extensions had been requested or discussed. Instead, the county initiated efforts to create a new plan, which led to a complete amendment. As part of that amendment, two extensions were granted at the developer's request, both of which have since been used. In total, he estimated that there have been three extension periods. Mr. Tuch clarified that while three extensions were available, Vertex had only used two and rather than proceeding with the third, the current discussion was being held to determine the best course of action. Mr. Sanford confirmed that the developer had used their two contractual extensions, while the county retained the right to grant a 60-day discretionary extension. However, given the circumstances, he felt that an extension under those terms was not practical, which was why the amendment had been proposed as an alternative.

Commissioner Blakey then asked why progress had stalled despite the granted extensions. Mr. Tuch explained, emphasizing that while he was frustrated with how long things had taken, substantial work had been done. He admitted that the team had been overly optimistic about the entitlement process, despite their prior experience. The complexity of the project, with numerous moving parts and multiple agencies involved, had contributed to delays. Mr. Phelps of Phelps Engineering detailed the major delays, including, a six-month delay in determining the best course for offsite utilities and a 3-month delay due to NDOT's required modifications to the traffic signal and turning lanes at Highway 50. We also had a six-month cultural resource study required by the Bureau of Reclamation (BOR) before they could proceed with a NEPA study. Despite these setbacks, Mr. Phelps assured the board that work had continued and that the cultural resource study would be submitted the following day. He expected the NEPA study to take another five to six months, which was beyond their control but would be closely monitored.

Mr. Tuch acknowledged that communication with the board should have been better and that the proposed amendment included provisions to keep the board regularly informed moving forward. Mr. Phelps also noted that three contractors were already bidding on the civil work, showing that they were actively preparing for the next phases.

Commissioner Blakey asked if they had anticipated these obstacles. Mr. Phelps admitted that they had not. When asked for updates on other regional projects, Mr. Phelps described

additional challenges in Fernley, where they had been waiting 2.5 years for BOR approval on an easement swap. A Fernley project involving FEMA had been delayed due to a change in technical partners, forcing them to restart the approval process. Mr. Tuch clarified that the Fernley projects were not direct comparisons to this one, as they involved different agencies and hurdles. He reassured the board that their planning and investment in utility access had avoided similar complications. Commissioner Getto, who had been involved with the project since its inception, expressed frustration that the looming deadlines should not have been a surprise. He pointed out that the agreement had been signed in 2022, and they had been working with the Planning Commission since then. He voiced concern about signing another long-term contract that could lead to more delays and missed deadlines, expressing hesitation about committing to a seven- to nine-year timeline.

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

Commissioner Matt Hyde made a motion to not grant any further extension of the Purchase and Sale Agreement with Vertex Fund 3, LLC. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

G- Consideration and possible action re: A request for support for the Nevada County's Common Sense Lands Act.

The Nevada Lands Council is making a request for support for the Nevada County's Common Sense Lands Act. The bill was prepared by the Nevada Lands Council and adopted by a unanimous vote of the Elko County Board of Commissioners in 2023. The Lands Act simply says that, when communities need land for development or recreation, the Bureau of Land Management must make the conveyance without compensation.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

This item was withdrawn prior to the meeting.

H- Consideration and possible action re: Application for Funding from Churchill County to support a community event or program for Nevada Community Alliance/Fallon Community Events, in the amount of \$3,500.00, for the annual Armed Forces Celebration Day on May 17th at the 3C Event Complex.

Nevada Community Alliance (formerly Fallon Community Events), a non-profit 501(C)(3) organization, seeks community support funding in the amount of \$3,500 to support the Armed Forces Day event scheduled on May 17, 2025 at the Rafter 3C Complex in Churchill County. Event coordinators estimate there will be 3,000 participants this year and seek to recognize and express gratitude to all military members and first-responders by providing a free lunch and a family-friendly event that is open to the public.

FISCAL IMPACT: FY25: \$3,500.

EXPLANATION OF IMPACT: The Miscellaneous Support line item of the Community Support Budget currently has \$8,235 remaining through June 30, 2025.

FUNDING SOURCE: Community Support / Miscellaneous Grants: 100-401-70300.

ACTION REQUESTED: Accept

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Mr. Barbee introduced a reoccurring funding request brought before the board for \$3,500 to support the annual Fallon Armed Forces Day Event. This event has historically been supported by community funds and has seen participation from over 3,000 attendees in past years.

Ms. Gonzzales confirmed that they approach the board for funding every year, emphasizing that the event is an important way to serve and honor the local veterans, first responders, and military personnel. The requested \$3,500 would primarily go toward advertising and purchasing food—specifically meat—to feed 1,000 attendees. She expressed gratitude for any financial support the board could provide.

Commissioner Blakey thanked Ms. Gonzzales for her efforts in organizing the event and recognized the importance of honoring and supporting the Armed Forces. He acknowledged the value the event brings to the community and commended those involved for their dedication.

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

Commissioner Eric Blakey made a motion to approve funding in the amount of \$3,500.00 to support the Fallon Armed Forces Day Event. Commissioner Matt Hyde seconded the motion, which carried by unanimous vote.

Legislative Update:

A- Consideration and possible action re: Update on the status of all Bills in the 2025 Nevada Legislature and support or opposition to any Bill that has an impact on county government or the citizens of Churchill County.

Staff will provide an update on the status of all Bills in the 2025 Nevada Legislature and may seek support or opposition to any Bill that has an impact on county government or the citizens of Churchill County.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Mr. Sanford stated that reviewing all 700 legislative bills would be an ambitious task. His office is categorizing bills by department, sending them to the appropriate county divisions for review and comment. The county prioritizes bills that directly affect operations, assessing both fiscal and policy implications before bringing them before the board for discussion and potential action, such as submitting comments or writing letters.

He then introduced two key water-related bills, AB-104 and SB-36, which carry over from the last legislative session. These bills focus on conjunctive water management and establishing a

framework for retiring water rights. While contentious, especially among mining groups, Churchill County has generally supported some form of conjunctive management to ensure hydrological balance and prevent over-appropriation. No immediate action is required but the county will continue monitoring these bills.

Next, he addressed SB-43, which concerns wastewater and solid waste regulations. This bill would shift regulatory control to the state, affecting Churchill County's health district. Mr. Sanford assured the board that the county's health district and lobbyists are actively engaged in discussions with state officials. Mr. Barbee added that the county had recently met with Senator Settlemeyer and his staff, to emphasize the importance of ensuring local health districts role in regulatory decisions. If SB-43 were to pass, any resulting NAC code developments, at the state level, should clearly define the expectations and authority of local health districts, rather than leaving those decisions solely to state agencies.

Mr. Sanford introduced AB-66, a significant bill for Churchill County that would expand the number of district court judges in Nevada, including the 10th Judicial District Court in Churchill County. While the state would cover the judge's salary, the county would bear the costs of support staff, leading to a fiscal impact. If approved, the judge would be added in the 2026 election cycle. The Board's support would require a resolution to assure the legislature that the county is willing to fund the position, preventing an unfunded mandate. Mr. Barbee added that court officials are reviewing operational efficiencies to prevent unnecessary duplication of staffing. Any budgetary changes related to this bill would be discussed in future budget cycles.

Next, AB-51 was introduced, addressing public records requests. The bill aims to standardize the request process, reducing informal and overly broad inquiries that burden county staff. It also introduces reasonable fees for fulfilling requests, helping offset costs, especially for large-scale document retrieval. However, Mr. Sanford expressed doubt about the bill passing, as public records issues are politically sensitive. The county supports transparency but seeks a process that ensures requests are specific and manageable. Commissioner Hyde inquired about who would determine the reasonable fee structure. Mr. Sanford explained that fees would be based on actual costs, such as scanning and retrieving archived documents.

AB-109, a geothermal regulation bill, was discussed next. The bill would grant the state engineer regulatory oversight of all water use at geothermal sites, including non-consumed water. While the intent is reasonable, its implementation could stifle the industry, potentially harming geothermal development in Churchill County. The county has informed geothermal developers about the bill but has not taken an official position yet.

Lastly, AB-84, a county road bill requested by Churchill County, was opposed unanimously by state unions due to concerns about wage indexing affecting public works projects. Given the strong opposition, Mr. Sanford does not expect it to pass.

Other bills related to court fees and communication costs were briefly noted, as they could have substantial fiscal impacts. Mr. Sanford will continue monitoring legislative developments and

will update the Board if formal action becomes necessary. Commissioner Getto confirmed that no immediate action is required at this time.

Letters Received:

A- Nevada Division of Environmental Protection's notification it has reviewed the Post Remediation Groundwater Monitoring Report for the 3rd Quarter filed on behalf of Wellsco Drilling and has made a no further action determination for the facility.

The Nevada Division of Environmental Protection (NDEP) has reviewed the Post Remediation Groundwater Monitoring Report - 3rd Quarter 2024 and the Well Abandonment Report(s) prepared by Tracy Johnson, Certified Environmental Manager (CEM) or Converse Consultants on behalf of Wellsco Drilling. This letter provides a no further action determination for the above-referenced facility and applies to other places contaminants related to this release have come to be located.

NDEP has reviewed information contained in the Corrective Action file that has been provided. Based on this review, no contaminants remain in soil or groundwater above action levels or remediation standards. Therefore, NDEP has determined that no further assessment or remediation is required to be protective of human health and the environment per NAC 445.22725(1).

NDEP may re-evaluate this decision if conditions at the site change or if new or previously unidentified information becomes available.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Elko County's introduction of officers for the Elko County Board of Commissioners.

Elko County is pleased to announce that, as of January 2025, Jon Karr has been appointed as the new Chair of the Elko County Board of Commissioners and Delmo Andreozzi has been appointed as the Vice-Chair. Elko County is confident that their leadership will bring fresh perspectives, continued progress, and a collaborative approach to their work throughout the upcoming year.

Elko County expresses their gratitude to Wilde Brough for his exceptional service and leadership during his tenure as Chair. Wilde's contributions have been invaluable and we look forward to building on that foundation.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Bureau of Land Management's notification of its public comment period on the Draft Environmental Impact Statement for the proposed Spring Valley Gold Mine Project in Pershing County, Nevada.

The Bureau of Land Management (BLM) is seeking public comments on the Draft Environmental Impact Statement for the proposed Spring Valley Gold Mine Project in Pershing County, Nevada. If approved, Solidus Resources, LLC, would develop and reclaim the mine over 29 years, impacting both public and private lands. The project would disturb 4,123 public acres and 2,109 private acres. A 45-day public comment period begins with the Federal Register notice on February 18, 2025. Documents are available on the BLM's NEPA Register, and two in-person meetings will be held for discussion and written comments.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

D- Nevada Department of Environmental Protection, Bureau of Air Pollution Control's, notification the department has received an Application for renewal and revision and has issued a Class II Air Quality Operating Permit for the Stella-Jones Corporation-Silver Springs Facility.

NDEP has received an Application for renewal and revision of the Class II Air Quality Operating Permit from Stella-Jones Corporation, which treats wood products such as rail ties, telephone poles and building lumber to resist attacks from insect (termite, wood borers, etc.) and wood rot (fungi, bacteria, etc.) attacks. The renewed and revised permit will remove pentachlorophenol as a wood preservative, replace the retorts, update the work tanks, add a stream boiler, revise emissions inventory for all pollutants and update the insignificant activities list. DCOI and copper naphthenate may be used as a wood preservative.

On the basis of the preliminary review and the requirements of the NRS, the NAC and the Clean Air Act, the director is hereby announcing his intent to issue the proposed Class II Air Quality Operating Permit based on a review of the information submitted.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

E- Bureau of Land Management's notice of the Field Manager's Proposed Decision for Prescribed Grazing to Manipulate Vegetation Composition and Structure on Eastgate Allotment's Willow Creek Pasture.

The Bureau of Land Management (BLM) is implementing a prescribed grazing program in the Eastgate Allotment's Willow Creek Pasture, a 12,053-acre area located near the Desatoya Mountain Range, approximately 55 miles east of Fallon, Nevada. This initiative aims to manage vegetation by reducing annual invasive grasses, primarily cheatgrass, which contribute to increased wildfire frequency, size, and intensity. By decreasing cheatgrass cover and promoting the growth of native perennial bunchgrasses, the project seeks to restore ecological functionality, reduce fuel loads, and minimize habitat loss and degradation caused by wildfires.

The treatment area is physically separate from the larger Eastgate Allotment and will be managed under different objectives. The BLM will issue free-use grazing permits for targeted grazing, ensuring that only degraded areas dominated by cheatgrass receive treatment. Intact or recovering plant communities with a native grass understory will be excluded. The prescribed grazing will occur during periods when native perennial grasses are dormant to minimize negative impacts on desirable vegetation.

The selected project site consists of three ecological site groupings: shadscale saltbrush, saltbrush/greasewood, and Wyoming big sagebrush. The pasture contains three intermittent creeks—Rock Creek, Willow Creek, and Eastgate Wash—and features varied topography with slopes ranging from 2% to 75% at higher elevations. Elevations span from 4,900 to 6,700 feet, with annual precipitation averaging 4 to 10 inches. The growing season lasts approximately 90 to 140 days, and temperatures range from 42°F to 60°F.

BLM's Field Manager has chosen to implement Alternative C from the environmental assessment Targeted and Prescribed Grazing of Annual Grasses in Great Basin Ecoregions of Nevada (DOI-BLM-NV-0000-2019-0003-EA). This alternative will focus on reducing fine fuel loads, decreasing litter accumulation, and limiting the germination and spread of invasive grasses. The prescribed grazing will be conducted annually for up to three years, with each year's treatment plan developed based on cheatgrass production and prior monitoring results. Each treatment will require written approval from the Authorized Officer, ensuring adaptive management based on ecological response.

The project aligns with federal policies, including Secretarial Orders 3372 and 3336, which emphasize reducing wildfire risks and improving land management practices on public lands. A Finding of No Significant Impact (FONSI) determined that the project does not constitute a major federal action requiring an Environmental Impact Statement.

The long-term goals of the project include reducing cheatgrass biomass to 200 lbs/acre and lowering cheatgrass cover below 15% within five years. This will create less competition for native perennial bunchgrasses, allowing them to establish and expand, with a targeted 1% increase in their cover over the same period. Additionally, riparian objectives aim to improve streambank stability, enhance riparian woody cover, and maintain proper ecological function of intermittent streams.

Prescribed grazing will be managed through controlled timing, duration, and intensity, following a rotation system to allow plant recovery. Strategic placement of water sources and protein/mineral supplements will help concentrate livestock grazing in targeted areas. Research indicates that grazing during the dormant season can be effective in reducing cheatgrass seedbanks, while benefiting perennial vegetation. The overarching goal is to break the cycle of wildfire and invasive grass proliferation by using livestock as a tool for ecosystem restoration while ensuring that grazing remains a sustainable land management practice.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

New Business:

A- Consideration and possible action re: A Sending Site Application filed by C & A Rentals LLC, for property located off the Schurz Highway, Assessor's Parcel Number 006-092-16, consisting of approximately 72.53 acres with approximately 59.47 irrigated water rights in the A-10 zoning district, whereby the Applicant proposes to establish a Sending Site and to place a Conservation Easement on the property.

The property is mostly water righted, with the remainder being canals, drains, and farm roads. The remaining irrigated acreage is farmed with temporary water or farm map water.

Sending Sites have minimum requirements:

- 20-acre minimum parcel size or identified as a special site (CCC 16.14.050).
- Areas removed from irrigation or stripped of vegetation do not pose a dust liability (CCC 16.14.030.D).

Sending Sites must provide a community benefit listed below, by means identified in CCC 16.14.030.B:

- Agricultural preservation and retention of water rights.
- Protection of military operations.
- Protection of water recharge areas.
- Protection of open space.
- Protection of wildlife habitat.
- Providing public access.
- Other special benefits.

This property qualifies for the minimum standards by meeting the acreage requirement and dust control requirement. This property provides community benefit by:

- a) Agricultural preservation with water rights retention on most of the parcel.
- b) Protection of military operations.
- c) Protection of water recharge areas.

The Sending Site Committee reviewed the Application on January 13, 2025 and recommended approval of the Sending Site. The committee recommended a total of 88 TDRs. The Planning Commission reviewed the Application on February 12, 2025 and recommended approval of the Sending Site, as well as a total of 88 TDRs.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Eric Blakey made a motion to A) approve the Sending Site Application for C & A Rentals based on providing the community benefits of preserving 72.53 acres of farmland with surface water-rights; protecting nearby military operations; and protection of water recharge areas; and B) approve 88 Transfer of Development Rights (TDRs) for the same property. Commissioner Matt Hyde seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: A Sending Site Application filed by Arthur Peel for property located at 9350 Pasture Road, Assessor's Parcel Number 006-092-07, consisting of approximately 193.9 acres with approximately 155.32 acres of irrigated water righted property, whereby the Applicant proposes to establish a Sending Site and to place a Conservation Easement on the property.

The property is mostly water righted, with the remainder being canals, drains, county roads, farm road, farm work area, and home site area.

Sending Sites have minimum requirements:

- 20-acre minimum parcel size or identified as a special site (CCC 16.14.050).
- Areas removed from irrigation or stripped of vegetation do not pose a dust liability (CCC 16.14.030.D).

Sending Sites must provide a community benefit listed below, by means identified in CCC 16.14.030.B:

- Agricultural preservation and retention of water rights.
- Protection of military operations.
- Protection of water recharge areas.
- Protection of open space.
- Protection of wildlife habitat.
- Providing public access.
- Other special benefits.

This property qualifies for the minimum standards by meeting the acreage requirement and dust control requirement. This property provides community benefit by:

- a) Agricultural preservation with water rights retention on most of the parcel.
- b) Protection of military operations.
- c) Protection of water recharge areas.

The Sending Site Committee reviewed the Application on January 13, 2025 and recommended approval of the Sending Site. The committee recommended a total of 252 TDRs. The Planning Commission reviewed the Application on February 12, 2025 and recommended approval of the Sending Site, as well as 252 TDRs.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Matt Hyde made a motion to A) approve the Sending Site Application for Arthur Peel based on providing the community benefits of preserving 193.9 acres of farmland with surface water-rights; protecting nearby military operations; and protection of water recharge areas; and B) approve 252 TDRs for the same property. Commissioner Eric Blakey 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: Notification of Burial Application BF54D29AB approved February 10, 2025.

Notification of Burial Application BF54D29AB received and approved per NRS 428.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: Social Services Indigent Fund

ACTION REQUESTED: Accept

C- Consideration and possible action re: Notification of Burial Application 541FC833A approved February 10, 2025.

Notification of Burial Application 541FC833A received and approved per NRS 428.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: Social Services Indigent Fund.

ACTION REQUESTED: Accept

D- Consideration and possible action re: Notification of Burial Application 96C5791C5 approved February 19, 2025.

Notification of Burial Application 96C5791C5 received on February 13, 2025 and approved February 19, 2025 per NRS 428.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: Social Services Indigent Fund.

ACTION REQUESTED: Accept

E- Consideration and possible action re: Treasurer's Report for January 2025 showing a balance of \$64,945,597.71 in the account.

Clerk/Treasurer Linda Rothery provides her Treasurer's Monthly Report for January 2025 showing a balance of \$64,945,597.71 in the account. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

F- Consideration and possible action re: Notification of Burial Application 808F90DCD approved February 25, 2025.

Notification of Burial Application 808F90DCD received and approved per NRS 428.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: Social Services Indigent Fund.

ACTION REQUESTED: Accept

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

Commissioner Eric Blakey made a motion to approve the Consent Agenda as submitted. Commissioner Matt Hyde 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:

- Attended a delegation meeting in Washington D.C. for the Naval Base expansion. It was highly beneficial, providing valuable insights and opportunities for discussion. There is anticipation about the outcomes and what developments may arise.

Commissioner Blakey reported on the following topics:

- Attended a CEDA meeting, where discussions took place about implementing a revolving loan program to support small businesses in overcoming financial hurdles and staying operational. A ribbon-cutting ceremony was also attended at Value Bikes. Additionally, a trip to Washington, D.C. included a positive meetings with the

delegation, who were highly engaged and well-informed about the community's challenges, showing promising support. A ribbon-cutting event was also held for Silver Summit and attended by Mr. Barbee and Chairman Getto. This new facility is expected to be a vital resource for seniors and the broader community, with strong prospects for success.

Commissioner Hyde reported on the following topics:

- Attended a delegation meeting in Washington D.C. regarding issues related to the Naval Base expansion. He stated that the discussion went well and that there will likely be future meetings to address concerns and work toward a resolution. Commissioner Hyde expressed optimism about the process, indicating that ongoing efforts will be necessary to see the matter through to completion.

County Manager Barbee reported on the following topics:

- Work is in progress to relocate the County Manager's Office and IT Department into the suite previously occupied by Public Works. Yesterday marked the last day for Gary Rothery at Churchill County and his contributions will be greatly missed. His efforts in improving county facilities have had a significant impact, leaving a void that will need to be dealt with. Best wishes are extended to him for success and happiness in the future.

Comptroller Wideman reported on the following topics:

- Work is underway on the tentative budget to ensure it is prepared and ready for review.

Chief Deputy DA Sanford had nothing to report.

Clerk/Treasurer Rothery reported on the following topics:

- The office is currently tracking 53 election bills, ensuring responses and monitoring regardless of their impact. With property taxes due, the department has been extremely busy. Additionally, preparations for the 2025 tax sale are underway, with plans to present it to the Board in an upcoming meeting. The tax sale list will also be provided to the County Manager.

Sheriff Hickox reported on the following topics:

- Efforts are underway to secure funding for necessary equipment and resources through various grants. One potential source is the Officer Traffic Safety Grant, which could

help replace outdated reader boards that are no longer supported. There have been ongoing complaints regarding speakers and steps are being taken to acquire spot checkers to monitor their usage and frequency. To qualify for the grant, participation in the Joining Forces Program is required, involving collaboration with other agencies on enforcement efforts, including seatbelt use, impaired and distracted driving, speed regulation and pedestrian safety. Paperwork is ready for submission and once approved, this would open opportunities for additional grants to update radar signs and reader boards.

- In other developments, a staff member is attending a 9th Circuit Legal Update on jail Policies in Carson City.
- A long-awaited jail transport vehicle, purchased with Commissary Funds, has finally arrived and is being outfitted for use.
- Progress is also being made in filling the last open staff position.
- Next week, several command staff members will attend the Western States Sheriffs' Association Training and Conference in Reno, covering topics such as jail operations, legal updates, corrections, federal agency coordination, and Indian law enforcement. Training sessions were recently attended on suicide prevention and in-custody death demographics. Additionally, training was provided to New Frontier staff on handling potential assailants, with other local organizations expressing interest in similar sessions.
- Lobbyists frequently reach out for input on legislative bills, though the provided feedback does not always seem to influence the final language. Concerns have also arisen regarding a model policy on immigration issued by the Attorney General's office, which was selectively distributed to certain law enforcement officials while others were left uninformed. Discussions are ongoing to address these issues, with plans to review the model policy with legal staff before finalizing an approach.

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.

Adjournment:

The meeting was adjourned at 9:49 AM.

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

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Affidavit of Posting:

Approved: 
Myles Getto, Chairman

Approved: 
Eric Blakey, Vice-Chairman

Approved: 
Matt Hyde, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer



Pamela D. Moore, Deputy Clerk of the Board