

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

March 4, 2021

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on March 4, 2021, which was conducted in-person and via Zoom meeting.

PRESENT:

Commissioner H. Peter Olsen, Jr., Chair
Commissioner Gregory Koenig, Vice-Chair
Commissioner Justin Heath
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Chief Civil Deputy DA Benjamin Shawcroft
Clerk/Treasurer Linda Rothery
Deputy Clerk to the Board Pamela D. Moore

ABSENT:

N/A

Pledge of Allegiance:

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

Public Comment:

Chairman Olsen asked if there was any public comment. Geoff Knell said, in my opinion, the Open Meeting Law is totally unconstitutional. It restricts the freedom of speech. You people are just going through the mechanisms. I am really disgusted, as when I go to the board meetings and City Council meetings, nobody wants to listen. I give truth, facts, and the word of God and I back it up. Nobody wants to talk to me, typically, because of what is said. What we need to do is to amend the Open Meeting Law. My elected officials are supposed to serve the public and listen to the constituents instead of legal obligations and look where we are today. I participated in a committee meeting virtually with the election commission, although I forgot the name for it, where they are trying to push Senate Bill 8, which is the state's version of the equality act. Very fortunately, most people are opposed to it and very few agree with it. What are you going to do, Commissioners? Are you going to let the federal government dictate and let the state of the party line force pornography, allow pedophilia to be legalized? All of this stuff - are you going to let it happen? We have the H.R. 5 that has passed the House and now it is in the Senate and will most likely will be rammed down our throats but it is death, it is destruction. On the Congressional Record, it says to present homosexuality, promiscuity, and depravity as natural and healthy. It is all put in the mind. What are you going to do about it? Are you going to let it happen? Are you going to let the propaganda that is put into the mind because evidence is proving that you are not born an LGBTQ at all. You have to make a serious decision in the very near future if it does pass. It is going to be a Constitutional amendment in the State of Nevada. People are not being educated because the Democrats are lying. They are lying through their teeth. They are presenting it as a woman's thing but they are not mentioning the physical and psychological

hazards of the LGBTQ. I plan to do a presentation but I would probably get rejected because it is too controversial. You are to serve the constituents. You have to listen to me. I am the one who is here because, at the time of day that you have these meetings, people cannot attend because they have to work. People need to wake up. You have a serious decision to make - child abuse, adult abuse, and it is all intentioned for the communist ideology to destroy this nation. Please wake up and understand. There were no further public comments.

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 26th day of February, 2021, between the hours of 2:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241 and the Governor's Emergency Declaration related to posting during the Pandemic.

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

Chairman Olsen reported that the 8:20 NDOT item and the New Business Item D had been withdrawn and the Agenda needs to be revised accordingly.

**Commissioner Gregory Koenig made a motion to approve the Agenda as revised.
Commissioner Justin Heath seconded the motion, which carried by unanimous vote.**

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

A- February 4, 2021.

The Minutes of the meeting held on February 4, 2021 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 Justin Heath made a motion to approve the Minutes of the meeting held on February 4, 2021 as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Appointments:

8:15 AM - Consideration and possible action re: Informational presentation by Rich Gent regarding Nevada's Rail Auxiliary Teams about how a successful rail public safety program can support the proposed Nevada 2021 State Rail Plan as it relates to Churchill County and expression of appreciation for the efforts of the Churchill County Sheriff's Office and Road Department in keeping residents safe and secure around railroad operations

Richard Gent, Team Leader for Nevada Rail Auxiliary Teams, will make an informational presentation regarding Nevada's Rail Auxiliary Teams about how a successful rail public safety

program can support the proposed Nevada 2021 State Rail Plan as it relates to Churchill County and expression of appreciation for the efforts of the Churchill County Sheriff's Office and Road Department in keeping residents safe and secure around railroad operations. He will be available for Commissioners to ask questions following the presentation.

2020 was a year of challenges and Nevada's Rail Auxiliary Teams adapted to ensure trains moved safely and securely through Nevada's communities, as follows:

- There were over 37 reportable situations;
- 10 one-hour training sessions provided;
- 8 field exercises conducted;
- 1 seven-hour Rail Auxiliary Academy with 6 graduates;
- 40 non-Rail Auxiliary students reached during one-hour safety lectures; and
- 3 reports of grade crossing issues.

In support of other rail areas, the teams:

- Developed an "active awareness" program at two rail crossings identified as "bad crossings", which improved driver behavior by an average of 15%;
- Supported wild mustang/livestock removal from railroad property;
- Coordinated the Rail Auxiliary Rail Suicide Prevent Program with Action Alliance; and
- Acted on national information regarding rail security.

The following media outreach was conducted:

- Published an article in a regional newspaper on the importance of keeping trains moving in a COVID environment;
- Published an advertisement in the Nevada Mining Quarterly;
- One television report on the Rail Auxiliary Teams training and field exercises; and
- Rail Auxiliary successes were documented on Twitter and Facebook.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Rich Gent said thank you very much for the opportunity to talk about this. With the 10 year anniversary coming up here of the disaster that happened here just north of us with the Amtrak train collision, it is important that we talk about rail safety and security. I am the State Director and Executive Director of a rail public safety program called Nevada Operation Life Saver and the Rail Auxiliary Team. These two organizations are sponsored by a grant provided by the Nevada Office of Traffic Safety, which is designed to help improve rail awareness, rail safety, and rail security throughout the state. I am here to say thank you specifically to two of your

departments in the county, which were part of an experiment to figure out how best to reach the public. First, I would like to thank the Churchill County Road Department. They were so easy to work with. Part of our experiment is active awareness. If you look at the big orange sign behind me against the back wall, we put these signs up at the 5 top crossings identified by the federal Railroad Administration as being "problem" crossings, which are located at Roberson Lane, California Street in Hazen, Trento Lane, and Lucas Road. The number one in the county is Highway 95, which is a state road, so that is a whole different entity. The Road Department was so easy to work with and they allowed us to do this program, so I want to thank them personally for that. Secondly, I want to thank the Churchill County Sheriff's Department for responding to several incidents on the railroad tracks here recently. An example happened on Sunday where they responded to an ATV that was high-centered, which means a person got their ATV stuck on the middle of the railroad track down by Hazen. One of the things I understand is that the Deputy asked the Dispatcher to contact the railroad first, which is very important and is part of our training, which we can offer up to any county agency here. We will pay for a first responder as well as another entity for an hour's worth of training for overtime. The Sheriff's Office responded correctly by notifying the railroad first, which is important to get the railroad to act first because, when you have a 12 million pound freight train going a mile a minute, it is critical to stop that train before it gets to the incident. I would like to thank the Churchill County Sheriff's Department and the Sheriff for having their Deputies out there and for the Dispatchers who knew exactly what to do and how to do it.

Lastly, I have reviewed the state's 2021 Rail Plan and how it affects Churchill County. It is a very aggressive plan designed to take commodities that can be shipped by rail here in the county and load them into the trains and get them rolling throughout our state. If that happens, there will be a significant increase in train traffic, which, again, with more trains, that means more of the public may get involved with being where they should not be in the first place. This is where this program would come into effect by providing education to the county, to the state, as well as law enforcement, first responders, and any county agency. When I was thinking about coming here today, I thought about the fact that CC Communications is a county organization, so we can provide that to them also. I open this up to you. Again, the State Rail Plan is still in the tentative stages but, here in the county, they are talking about an increase in passenger traffic and an increase in rail traffic, primarily focused on the Fernley Rail Park, which will be an inter-model facility meaning that they will bring in trucks and take the trucks either off the train or onto the train. The Fernley rail facility is what they are strongly pushing as being a huge asset in the northern part of the state. Having been on boards before, I would like to keep this short but I open it up for questions.

Chairman Olsen asked if there was any public comment but there was none. He said I would really like to emphasize how important the spur that comes into Fallon is to us. I know the railroad recently, as recent as a year ago or so, dropped the deliveries here to two times per week from three times a week. That has created a lot of congestion and difficulty with cars backing up in Sparks because you can't get enough in and out of here with only the two times per week issue. What is the future for the Fallon spur? Mr. Gent said that is a question for Union Pacific. I know that part of the reason why they are doing that two times per week is because of the precision scheduled railroading, which again goes with scheduling. The advantage that you have

with me is that I can go to Union Pacific and have the Union Pacific representative come here to have a discussion with you about why they are doing what they are doing and how they are improving it. My focus is strictly on safety and security but I know the individuals with Union Pacific who can come talk to the board about the increase in traffic and making sure the crossings here are, in fact, clear so that we do not have people backed up for long periods of time. Chairman Olsen said the Mina spur is shut down altogether, correct? Mr. Gent said it is not. Chairman Olsen said then the Wabuska site is closed? Mr. Gent said that is not and trains go through almost daily there. Chairman Olsen said there are people over there now who have had to move over to Hazen to transload because they cannot transload at Wabuska anymore, so something has happened on that spur. Mr. Gent said I know that they have ammunition trains going down to Hawthorne. That line is still open. With regard to how often they go down to Wabuska, I would have to check on that. I know they go to Silver Springs on a nearly daily basis. Chairman Olsen said there is an issue with Wabuska because, if you drive out towards Hazen, just before you get to the overpass, those cars that are off to the right were folks who were unloading at Wabuska because they are servicing people in Yerington and Smith Valley. Mr. Gent said I will have to check on that because I am not 100% certain but, again, that is a Union Pacific question as to why they did that. Obviously, Union Pacific does not want me to answer anything specific since I do not represent them but I can certainly try to get an individual representative here to talk to you about what they are doing down there.

Chairman Olsen said this might relate to safety but I noticed on that spur going over there towards Silver Springs that there are ties thrown off the side like they are going to replace a bunch of the ties. I have seen some work being done on the Fallon spur because it is a speed-rated and weight-rated track right now. Have you heard anything about them improving the Fallon track so that we can get fully loaded cars in here? Mr. Gent said, again, they are improving the Hawthorne branch, primarily because of servicing the ammo trains going down to Hawthorne. As far as this branch, again, I would have to defer that question to Union Pacific. I do not see anything on the horizon for that happening. Again, that is just my personal opinion. Chairman Olsen said if you know the right people, if they would come here and talk to us, I would genuinely appreciate it. Mr. Gent said I will try to arrange that. I was talk to the Special Agent out here and ask who the right person is. Normally, that is someone out of Roseville, California because that is where most of their folks live and work at to service our area out here. I will try to make that happen for you.

Commissioner Koenig said I just want to commend Rich for all of the work that he does. He has always been big on safety, especially rail safety, and I appreciate the work he does. This item was presented for informational purposes only and no action was taken.

8:20 AM - Consideration and possible action re: Presentation, discussion, and adoption of Churchill County's top two (2) priority concerns for the Nevada Department of Transportation (NDOT)

The Nevada Department of Transportation (NDOT) appeared at the February 4, 2021 meeting to present and discuss its Work Program and to request that the county outline its top two (2) priority concerns. The Work Program was approved at the February 4, 2021 meeting and the matter of adopting the county's top two priority concerns was tabled for further discussion and

presentation at this meeting.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

This item was withdrawn.

8:25 AM - Consideration and possible action re: Approval of Interlocal Contracts for Temporary Housing of Mineral County and Pershing County Juveniles at the Churchill County Juvenile Justice Center, Teurman Hall

Churchill County has contracted with other jurisdictions to house juveniles from these jurisdictions at the Churchill County Juvenile Justice Center, Teurman Hall. This interlocal agreement has helped to generate revenue to help off-set the costs for operating the Juvenile Justice Center. Provided for the board's consideration is an Interlocal Contract with Mineral County and Pershing County, effective January 1, 2021 to January 1, 2023.

Churchill County will provide Mineral County and Pershing County with temporary detention services for its youth who, by nature of their behavior, are determined to be a danger to themselves or to the community and who meet the detention criteria by NRS Chapter 62. Churchill County reserves the right to refuse admittance of any juvenile. Mineral and Pershing Counties agree to pay Churchill County \$300 per day for each juvenile under their jurisdiction who is housed at Teurman Hall. A day is defined as four hours or more in detention on any single calendar day. If the juvenile is housed for less than twelve hours because Churchill County requests that Mineral or Pershing County remove the juvenile, Mineral or Pershing County will incur a charge for a half-day at \$150.

The Churchill County Juvenile Probation Department requests that the board ratify and approve these interlocal contracts.

FISCAL IMPACT: \$300 per day or \$150 per half-day for each juvenile housed at the facility.

EXPLANATION OF IMPACT: These revenues help to off-set the costs for running the Juvenile Justice Center.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chairman Olsen asked if there was any public comment. Geoff Knell said I am curious. Before our Juvenile Detention Center was built, we were sending our juveniles to another contract facility, depending upon beds available. Where is the point that we offer what we did here so they can build their own facility? That would be a good idea instead of using our beds by having them build their own facility so that we can handle our own things here. There were no further public comments.

Chairman Olsen asked how many kids we have seen come across on these contracts. Mr. Otuafi said, since January, from Pershing and Mineral Counties, we have had 6 kids and currently have

one that just came in last night, so that would make 7 since January. Chairman Olsen said that seems like quite a bit. Mr. Otuafi said it is quite a bit. I will say that we remember what it was like when we did not have a detention facility and what we had to do to get those kids housed. When these counties that do not have a detention facility reach out to us, I just remember what it was like for us. Chairman Olsen said absolutely; it was a horrible situation. Mr. Otuafi said, if we are able to, we want to help those counties out until they are able to get their own facility. Chairman Olsen said I totally agree. We were in a bad way when we did not have our own facility and there are other communities around us who cannot afford their own facility and we provide the one place that they can get good access to a facility that is good for their kids.

Commissioner Koenig said is this done when space is available? Mr. Otuafi said it is. That is built into the Contract. If we have the availability, then we will help them out.

Commissioner Gregory Koenig made a motion to ratify and approve the Interlocal Contract with Mineral County and Pershing County for housing of juveniles at the Churchill County Juvenile Justice Center. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

8:30 AM - Consideration and possible action re: Award of Contract to Fallon Glass & Sign in the amount of \$168,000 to furnish and install windows and doors for the Churchill County Civic Center

Staff received a proposal from Fallon Glass & Sign to furnish and install windows and doors for the Churchill County Civic Center in the amount of \$168,000. Fallon Glass is a locally-owned company capable of performing the Contract. The proposal is provided for the board's consideration. No additional proposals were sought due to the emergency nature of the Contract.

FISCAL IMPACT: \$168,000.00.

EXPLANATION OF IMPACT: Contract amount.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chris Spross, Public Works Director, presented this item and said, again, this is being done early because the cost for raw materials has increased significantly due to COVID, which would increase our costs if we were not to get this done early and lock in the price.

Chairman Olsen asked if there was any public comment. Geoff Knell said this reminds me of the spending that we are doing. We are putting ourselves more in debt. Where is less government? We are creating more government. This is ridiculous, which is my opinion but you need to stop it. This is ridiculous. Do you know that the state, with the Senate and Assembly, have more bills to tax us more? They are doing that right now in this Session to tax us more. They are taking more money out of our pockets. We are building a building that we do not need but we are doing it anyway. This is falling on deaf ears. You are all being irresponsible. We do not need this building but it is too late. We are in a bond of debt and we have to be under the control of the state and the federal government. Where is the 10th Amendment? Where is the sovereign of the state? We the people. You are just not thinking. I want to make that point. This is ridiculous and

now the state government wants to tax us even more. I have more to say on another Agenda item. There were no further public comments.

Commissioner Justin Heath made a motion to award a Contract to Fallon Glass & Sign in the amount of \$168,000 and to authorize the County Manager to execute the Contract. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

8:35 AM - Consideration and possible action re: Award of Contract to One Horse Overhead Door in the amount of \$89,747 to furnish and install rolling doors for the Churchill County Civic Center

The plans for the Churchill County Civic Center require the installation of rolling doors. Staff requested a proposal from One Horse Overhead Door, which is a locally-owned company capable of doing the required work. The proposal received is for a total amount of \$89,747. The proposal is provided for the board's consideration. No additional proposals were sought due to the emergency nature of the Contract.

FISCAL IMPACT: \$89,747.00.

EXPLANATION OF IMPACT: Cost of the Contract.

FUNDING SOURCE: General Fund.

ACTION REQUESTED:

Chris Spross, Public Works Director, presented this item and, again, said this is being done early to lock in the price with the increasing costs for raw materials.

Chairman Olsen asked if there was any public comment but there was none.

Commissioner Gregory Koenig made a motion to award a contract to One Horse Overhead Door in the amount of \$89,747 and to authorize the County Manager to execute the Contract. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Discussion of Churchill County's response to COVID-19:

County Manager Barbee said I thought I would talk a little bit about where we are in terms of dosages. One of the struggles we have had is in the process of vaccine coming into the county. All of that data is driven by the state and then submitted back to the state through a program called Red Cap. Basically, we submit orders every week and, when I say we, the county submits orders and we work with Banner and then there is a separate allocation that gets confusing in that it is partially federal, partially state, transitioning to be fully federal, that is for pharmacies. The only numbers that we can verify and validate are those doses that have actually come through the county because that data is then submitted either by Banner or by those specific pharmacies. I believe we have four pharmacies now that are under operation: CVS, Walgreen's, Walmart, and Safeway. To date, we have ordered 31 first doses into the county for county use. This is excluding pharmacies and Banner and 1,300 booster shots. Chairman Olsen said, Jim, I think you misspoke - 31 is all? Mr. Barbee said we have ordered more than that but we have

received 31 as an approved order. That is the sheet that the state looks and, when they look at it, they are saying that we gave you 3,100 first doses. Keep ahold of that number because we have administered 2,692 first doses as of today. We have ordered 1,300 boosters or have been approved for 1,300 boosters at the county and we have administered 1,272 boosters. In that, we have had an extra 213. Initially, if you ordered 51 boosters, you received 100 booster shots and we were instructed, at that point, to use that extra 49 for first doses, so we call those extras. We have had right around 213 extra doses to date that have either been because of the overage order. However, the state came in 2-3 weeks ago and said we could no longer do that and that we had to sit on those boosters and hold them for the booster that is coming up. That changed mid-process. Additionally, if we have a 10 dose vial, sometimes we are able to pull 11 doses from that vial, so one of those is extra. We have been very focused on not wasting a dose. I do not believe we have had one dose wasted as of yet. Chairman Olsen said the ladies in back are agreeing with you. Mr. Barbee said I am glad you pointed Shannon out because I need her help. Shannon Ernst said the extra amount that I provided to you are the extra doses that we have pulled. Mr. Barbee said we had one booster to give in a 10 dose vial and we had 9 extras and, to ensure we did not waste them, we provided them that way.

What we found this week is that we are in a bit of a struggle with the state because they are basically calculating everything on orders and not utilizing the data that is being submitted through Red Cap. The amount of boosters that we need and the amount of boosters that we have do not align with the state. Until they start utilizing real data on the ground, which we invited the state to come out and see how we are working this and how we are administering it, although we have not had a reply on that yet, but we are hopeful that they would, we are kind of in this pitch struggle. Now, we have 800 doses coming through the pharmacies next week, which is great in that they are able to market other things as folks come in and there are folks who choose that as a means that they would rather go through. Yet, we are getting 300 doses and that is first doses and booster doses and we have more than that in booster doses coming up this next week. We are being told that it is our problem and we would have to figure it out, which we will. That just means that we will have folks that are going to go longer than the 30 days, which they can, to get those booster shots. This is being driven by the state. We are in a bit of a tussle and a bit of frustration there in terms of the relationship and trying to get vaccine administered to folks in the county. We still have not had a clear conversation or articulation on the percentage of folks that are coming from outside of Churchill County into the county to be vaccinated, or if those counties are going to shore us up or how that will work or if that transfer will happen. On top of that, we have had quite a few folks that have either had their first doses administered at the hospital or a pharmacies that are then coming to us for the boosters. Up until yesterday morning, we were under the directive that we provide those boosters and now we are under the directive that we do not provide the boosters. We will have a lot of folks who will show up to the pods that will be hot over that. Again, the state is driving all of this. That is happening in the vaccine administration and vaccine supply side of things but then, on the other side of things, which is another silo within the state Department of Health, we are getting funding to put together this beautiful vaccine pod that has 7 lanes and we would be able to stack like 300 cars on the site and we could easily run 1,000 people per day for any day that we open the pod, as long as we had the vaccine, without any more effort. That is all being funded by the state, but we are struggling to get the vaccine.

We are moving on the vaccine pod development and hoping to be in there next week to administer in that portion of the facility, although it will not be completely done but will be about 99% done. I know that we have press on the Zoom call, so I would invite Rachel and Steve to join us next week out there and we will give you a grand tour and show you what we have put together and talk a little bit about how the state has supported us in that effort. We will have some struggles coming up in the next few weeks. We cannot tell you how many have been administered in the county because, again, we at the county only have access to the reports that we submit into Red Cap and we do not have access to how many were done by the pharmacies or how many they have sitting in the fridge. None of that information is available to us. That is also frustrating because we are basically, for all intents and purposes, a county health district under this emergency clause but we definitely do not have the access we need to be steering the ship where we want to get it. We will keep our head down and keep pushing forward and get as much vaccine on the ground as swiftly as we can but we did put out a press release early yesterday that was a follow up to the meeting we had that morning where there were directives from the state that all of those with underlying conditions for those 18-64 years of age were to go through the pharmacies. We did quite a few of those last week and had the backup paperwork. As a matter of fact, we worked with Commissioner Heath in setting that up for the letters and the sign-offs that the physicians would provide to those folks coming through our pod last week. It went really smoothly and we had no issues. We have all of that documented but the state wants that done at the pharmacies so we have sent that to the pharmacies. We currently have 65 and older at the pharmacies and then we will be limited next week to completely just boosters.

Social Services Director Ernst said we received the Johnson & Johnson vaccine this week. When we look at the fact of that coming in, it will allow us to do first doses because that is all that we can use it for. We are having to reallocate all of our first doses of Moderna to second doses. I just want to go on the record with the concern where Raylene and I were stressing to the state that we will move our first doses to second doses and would get those second doses in four weeks but what happens eight weeks out? Now, we do not have the second dose for that first dose again. We continue to create a larger issue that we are trying to figure out a way to stop. That is why we are diving in with our reconciliations and trying to work with the state to get them to understand and use our actual reporting, not what they sent to us. Every time we pull an extra dose, they are not giving us a second dose for that extra but they want us to pull extra doses and that is the best thing for our community. That is our concern as we move forward.

Commissioner Heath said are you going to have to start wasting those extra doses now since you can't do the first doses? Ms. Ernst said I will not waste a dose. Mr. Barbee said they continue to want us to use those extra doses as first doses but, again, they are just unwilling to provide a booster dose for those because they do not look at Red Cap and are only looking at order placement, not actual on the ground data. That is inclusive too, understand, of it being a 10-dose vial and, if we are able to pull an 11th dose off of that vial, which, in many cases, we have been able to do. Commissioner Heath said once you puncture that vial, it is only good for 3 hours, right? Ms. Ernst said it is good for 6 hours. That is where I want to commend Raylene because she is working with Banner and they have stopped giving doses at this point but, if they had 3

and they were going to expire in 30 minutes, we had homebound or people at dairies that we could grab and give the doses to so that none were wasted. We will continue to try to pull as many doses as possible because it is just that many more but we will be playing a numbers game unless the state does change how they review our data and provide our orders.

Mr. Barbee said I see Marla in the back of the room, so perhaps she can give us some advice on how to kumbaya this a little bit better.

Chairman Olsen said I want to take the opportunity to commend our staff and the heroic effort they have done to build the facility out there and to run the facility. I have not been able to get out there for the past couple of weeks but I have stood out there previously. For people to stand out there for 5-6 hours on the gravel, with some people out there much longer as they set up and everything, and out there in the cold and the elements, those are not comfortable days for our staff, but they have done a phenomenal job. To me, this is a slap in the face of our community. I hope this is some sort of bureaucratic bungling and we will be gratified if that is the case. I hope that we will get to a better place. This is, obviously, the most efficient way of getting the shots in people's arms. You guys have done a phenomenal job of that. We will push forward and try to find a better way. Hopefully, we will get some sort of reconciliation on this thing to make it make sense.

Commissioner Heath asked if the pharmacies know about the 18-64 with medical conditions being sent their way because it sounds like they do not from people who have tried to call them. Ms. Ernst said Walgreen's was on the call yesterday. My understanding, although I am seeking additional clarification on this, is that the majority of their vaccine coming to them is federal. The federal government will decide how they dispense that. It was approved by Governor's Order two weeks ago that they would do the 65 and older. Previously, we had been told that they would follow our lanes and we would provide the direction as to what they would provide. Under Governor's Order two weeks ago, that changed. We were told that the federal government has not approved the underlying conditions at this point, so they are not going to open up those appointments until that happens. The call yesterday was quite interesting with a whole lot of changes and trying to understand the direction from the state. Commissioner Heath said those people who have had the first dose already can still go to the pharmacies and get it? Ms. Ernst said they have not provided any vaccinations to those with underlying medical conditions so they will come back to us for the second dose. That is one of the things that we want to make sure the community understands. If we provided your first dose, we will provide your second dose. If we are going to be short where I do not have first doses to cover those, we may have to bump them a week or two but I will get them in to make sure we cover everyone that we have given a first dose to. Mr. Barbee said, for additional clarity, we will not provide second doses if you received your first dose somewhere else. You have to go back to that place for your second dose. Commissioner Heath said as long as you had it at the county's pod, then you can get the second dose, which was confirmed. Ms. Ernst said it has caused confusion with everyone moving around and we are very short on second doses.

Chairman Olsen asked if there was any public comment but there was none. This item was presented for informational purposes only and no action was taken.

Letters Received:

A- Consideration and possible action re: William N. Pennington Life Center's Newsletter for February 2021.

Lisa Erquiaga, Executive Director of the William N. Pennington Life Center, provides the Newsletter for February 2021 for the information of the board and public.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Consideration and possible action re: Nevada Department of Environmental Protection's notification of its review of the Draft Interim Remedial Action Completion Report, Northern Operable Unit Site 2, 3, and 4 Remedial Action, for Naval Air Station Fallon, Nevada and its associated comments.

The Nevada Department of Environmental Protection (NDEP) provides notification of its review of the Draft Interim Remedial Action Completion Report, Northern Operable Unit Site 2, 3, and 4 Remedial Action, for Naval Air Station Fallon, Nevada. The report describes the approach and results of implementing remedial action in accordance with the January 2016 Record of Decision.

Remedial action is being performed at Sites 2, 3, and 4 in accordance with the selected remedy for the sites as described in the ROD. The selected remedy includes recovery of Light Non-aqueous Phase Liquid at Sites 2 and 4 and the Hot Pits Site; and long-term monitoring of dissolved-phase groundwater contamination at Site 3. Recovery consists of manual and automated recovery of free product observed in existing monitoring wells and trenches at Sites 2 and 4. Monitoring of groundwater at Site 3 is for trichloroethene and its daughter products, including vinyl chloride.

NDEP has comments that are included in Attachment A and requests a response to those comments, at which time NDEP will issue a concurrence letter.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Consideration and possible action re: Nevada Division of Environmental Protection provides notice of its review of the Draft Non-Time-Critical Removal Action, Action Memorandum, Installation Restoration Site 29, Southwest Perimeter Disposal/Asbestos Site for Naval Air Station Fallon, Nevada and concurrence with the remedy to remove visible asbestos-containing material at the site.

The Nevada Division of Environmental Protection (NDEP) provides notice of its review of the Draft Non-Time-Critical Removal Action, Action Memorandum, Installation Restoration Site 29, Southwest Perimeter Disposal/Asbestos Site for Naval Air Station Fallon, Nevada. The report documents the Navy's decision to undertake removal action for asbestos-containing

material (ACM) in surface soil at the site.

The selected remedy will consist of excavating visible ACM and the surrounding soil within the disposal area at IR Site 29 and removing visible ACM present on the ground surface across the remainder of IR Site 29. It is estimated that approximately 2,810 cubic yards of ACM and soil will be excavated/removed to a depth of up to two feet below ground surface and disposed off-site. The proposed action is intended to mitigate the potential risks posed by ACM to human and ecological receptors. NDEP concurs with the selected remedy.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

D- Consideration and possible action re: Nevada Division of Environmental Protection's Request for Release/Spill Information from EP Minerals concerning a diesel leak from an underground pipe into soil.

The Nevada Division of Environmental Protection (NDEP) provides notification of its Request for Release/Spill Information from EP Minerals concerning a diesel leak from an underground pipe into soil. Because this release appears to have resulted in contamination and exceeds limits or quantities established by Nevada Administrative Code (NAC) 445A.347 or 445A.3473, EP Minerals is required to provide an evaluation of the release per NAC 445A.2269 and NAC 445A.227, which is due no later than March 26, 2021.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

E- Consideration and possible action re: Nevada Department of Public Safety, Division of Emergency Management, Homeland Security, provides notification that Churchill County's Emergency Operations Plan has been reviewed and is deemed current and sufficient to meet needs during an emergency or disaster.

The Nevada Department of Public Safety, Division of Emergency Management, Homeland Security, provides notification that Churchill County's Emergency Operations Plan has been reviewed and is deemed current and sufficient to meet needs during an emergency or disaster. This submission meets the annual submission requirements under NRS 239C.240 for 2020.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

New Business:

A- Consideration and possible action re: Transfer of funds to the Churchill County Road Department in the amount of \$250,000 as approved by the Regional Transportation Commission.

The Churchill County Road Department is requesting a transfer of funds in the amount of \$250,000 for first and final payment of Various FY 2021 Road and Bridge projects for the 2nd quarter. The transfer is to be split 50/50 from Regional Transportation Fund 280 and Public Transit Fund 395.

The reimbursement is for blade maintenance on various county roads from November 1, 2020, through January 31, 2021, in the amount of \$149,608.48; crack sealing on various county roads from July 1, 2020, through January 31, 2021, in the amount of \$84,102.13, and snow removal on various county roads from January 1 through January 31, 2021, in the amount of \$19,570.67.

Although the projects total \$253,281.28, the department is only requesting to transfer the encumbered amount of \$250,000, which was approved by the Regional Transportation Commission at the November 18, 2020 meeting.

FISCAL IMPACT: \$125,000 from Regional Transportation Fund 280-630-85300 and \$125,000 from Public Transit Fund 395-881-85300.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: \$125,000 from Regional Transportation Fund 280-630-85300 and \$125,000 from Public Transit Fund 395-881-85300.

ACTION REQUESTED: Accept

Chairman Olsen asked if there was any public comment. Geoff Knell said where did this money come from? At one of the County Commission meetings, you authorized to raise a tax on a type of diesel fuel. Where did this money come from? Does it come out of thin air? I am looking at the poor planning of the county. Fiscal irresponsibility. You finagle to draw money out of nothing. I do not know the background of this but you raise taxes to fill the Road Department and now you come up with \$250,000 when you could have gotten this money into it without raising taxes. Wake up. This is screwed up. Are you that gullible and you work on your emotions to make things happen and to produce something when you are sucking more money out of people's pockets? We are suffering as it is. We are wearing these stupid masks. I am glad Florida is opening up and now Texas and other states. I hope that this state opens up but we are ruled by irresponsible people of a party line of communism. We are following the mindset and we call it legal obligation. This is ridiculous. Stop spending money, like the building you just built for millions of dollars. You act like a bunch of spoiled children. I am sorry if I offend you. This is ridiculous. You raise taxes and now, all of a sudden, you find the money. Something is wrong here with your planning or budgeting. It is sad. There were no further public comments.

Commissioner Justin Heath made a motion to approve the transfer of funds to the Churchill County Road Department in the amount of \$250,000 as approved by the Regional Transportation Commission. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Notification of an Appeal of a Planning Commission decision to deny a Special Use Permit to Ralph Countryman for a home-based business for garbage collection at 8885 Ara Lane, Fallon, Churchill County, Nevada, and setting of an appeal hearing.

Ralph Countryman applied for a Special Use Permit for a home-based business for garbage collection at the personal home of Ms. Beerhohm at 8885 Ara Lane, Fallon, Churchill County, Nevada, Assessor's Parcel Number 007-151-67, near Leeteville Junction. This permit was granted on November 14, 2018. There were conditions placed upon this permit:

1. This permit is subject to annual renewal until the Planning Commission is satisfied it is being operated in a manner compatible with the neighborhood.
2. Approval of the Home-Based Business for Garbage Collection on APN: 006-751-74 is limited to:
 - a. Operation only by Ralph Countryman. Approval is not transferrable to another location or operator.
 - b. Hours of operation are limited to 5 AM to 5 PM, on 3 days per week. No employees are allowed. Changes will require an SUP
 - c. Approved for no more than two (2) garbage trucks may be operated from the site, along with trash can and dumpster storage. Further expansion will require a new SUP.
 - d. Adding other business activities beyond what is approved by the Planning Commission, will require a new SUP.
 - e. Garbage collection trucks must be emptied before returning to the property. No garbage, trash, or similar material may be kept overnight. Garbage handling vehicles and equipment must be kept clean, and odors and pests must be controlled.
 - f. No lighting or signage is authorized. Changes will require a new SUP.
 - g. Additional landscape screening must be provided to improve neighborhood compatibility by planting 2 trees each on the east and west sides of the business use area. These must be located to maximize screening from adjacent homes, and trees must be more than 6' tall at the time of planting. Trees must be planted by April 30, 2019; and irrigation must be provided to ensure their survival.
3. The business must be in conformance with County Code, including but not limited to:
 - a. The business area (south of the fence) must provide sight obscuring fencing of the garbage receptacles and other stored items. This may be along the east and west property lines, or a smaller area approved by the Planning Director.
 - b. A business license must be obtained and maintained.
 - c. All necessary building permits must be obtained.
 - d. Fire access must be provided, including gates of 20' in width, and an all-weather surface from the road, well into the rear business area.
4. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

At the end of the first year, the department missed scheduling a review due to changes that had taken place in the office when the person who would have done this passed away and there wasn't a reminder set up in the system. During follow ups on previously granted permits, it was discovered that this review needed to be scheduled. Several attempts were made to get Mr. Countryman to schedule a meeting for the Planning Commission to review the permit as required in the conditions of the permit. He was finally scheduled for the July 2020 meeting and notified that he needed to attend to answer questions and he was given the information to call in or attend over Zoom Meeting. Mr. Countryman was not available for that meeting, so the Planning Commissioners tabled the item to the next meeting. Mr. Countryman was notified,

provided a copy of the Agenda, and instructed that he needed to attend the meeting in August 2020. Mr. Countryman failed to attend this meeting, and the Planning Commissioners decided to grant a six month extension in order to complete the review. This item was scheduled for the February 10, 2021 Planning Commission meeting, which is actually two years after the permit was granted. The department notified Mr. Countryman of the meeting, of his need to attend, and provided a copy of the Agenda so that he could call into the meeting via phone or over Zoom Meeting. All notifications that were sent to Mr. Countryman were also sent to Rhonda Beerbohm as the property owner per her request during the Special Use Permit process.

At the February 10, 2021 Planning Commission meeting, Mr. Countryman did not attend. Loreli LeBaron, Code Compliance Official, provided pictures and comments that based upon her onsite inspection as it relates to the conditions of the Special Use Permit that was granted. She said that he was in violation of Conditions 2.e., 3.a., and 4. As he also had not completed an annual review in two years, he is also in violation of Condition 1. An excerpt from the Minutes of this meeting regarding this item were provided for the Commissioners' review.

Mr. Countryman left a message on the department's main phone number the night of the meeting stating that he wasn't able to get through to the meeting; however, no one was available in the office during the meeting. Upon inspection of call records for the main line it showed several calls to the main office number around the time of the meeting start time. The Administrative Assistant operating the Zoom Meeting stated that everyone that called or logged into the Zoom Meeting were admitted to join, and that there were no other phone numbers that showed up in the waiting room that were not admitted into the meeting. The phone number provided on the Agenda for technical difficulties was transferred to the Director's cell phone and he did not receive any calls from Mr. Countryman either.

Churchill County Code 16.08.050(4)(F) provides:

1. Appeals Of Planning Director Decisions: A final decision of the Planning Director in the issuance of a permit may be appealed by any aggrieved party or the District Attorney's Office to the commission following the procedures in subsection F4 of this section. The commission may affirm, modify or reverse the decision.

2. Appeals Of Commission Decisions: A decision of the Planning Commission may be appealed by any aggrieved party or the District Attorney's Office to the Board following the procedures in subsection F4 of this section. The Board may affirm, modify or reverse the decision after a de novo hearing.

3. Appeals Of Board Decisions: A decision of the Board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by the Nevada Revised Statutes.

4. Procedures For Filing An Appeal:

- a. Time Limit For Filing: An appeal of the Planning Director's decision must be submitted to the Planning Department within ten (10) days after the Planning Director has rendered his or her decision. An appeal of the commission's decision must be submitted in writing to the Clerk of the Board within ten (10) days after the commission has rendered its decision. The appeal must be delivered in person, by mail or by courier by twelve o'clock (12:00) noon the first business day following the ten (10) day time limit. If no appeal is received

within the time allowed, such decision may not be appealed.

b. Appeal Application: All appeals shall be filed in writing accompanied with a filing fee, by filing a signed written notice of appeal and application stating therein the reasons why the decision of staff or the commission should be amended, modified or reversed.

The appeal application shall specify the project or decision for which the appeal is being requested. The application shall indicate which aspects of the decision are being appealed. The appeal application shall provide the necessary facts or other information that supports the appellant's contention that the staff or commission erred in its consideration or findings supporting its decision.

c. Setting Of Appeal: The appeal must be scheduled for hearing and a decision rendered within sixty (60) days of said appeal being received.

d. Withdrawal Of Appeal: Upon delivery of a signed written statement the appellant may withdraw its appeal at any time prior to the date of the appeal hearing.

e. Notice Of Appeal Hearings:

(1) Notice of appeal hearings shall be given to all parties involved ten (10) days before the date set for hearing; notices shall be issued by the Clerk of the Board for hearings set before the Board.

(2) Continuances of appeals shall not require written notice ten (10) days prior to the date that the hearing will reconvene.

f. Evidence:

(1) To ensure that all parties have access to their elected officials, the Board shall not be limited to the record of the commission.

(2) The Board shall consider only the issues raised before the commission, however, all relevant evidence pertaining thereto which is necessary to render a decision based on substantial evidence shall also be considered.

g. Decision: The Board may affirm, modify or reverse the decision of the commission by a simple majority vote.

When the Appeal Application was filed, the filing fee of \$250 was not paid. Both the Planning Department and Clerk's Office called Mr. Countryman and informed him that the filing fee must be paid for the matter to be heard. Should the appeal filing fee be paid prior to this meeting, the appeal hearing must be scheduled on or before April 23, 2021.

FISCAL IMPACT: There will be costs incurred for the publication of the public hearing notice and postage fees to mail notification letters. The appeal filing fee is \$250 and is charged to off-set the costs for conducting an appeal hearing.

EXPLANATION OF IMPACT: The \$250 filing fee helps to off-set the costs for conducting the public hearing of an appeal.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Set Public Hearing

Civil Deputy District Attorney Shawcroft said the item on the Agenda is not to make a decision on the appeal but to set the appeal for a hearing, absent the filing of the appeal fee of \$250. That is just to narrow your focus on what is being decided today. Deputy Clerk Moore said that, in addition to being told by Diane Moyle in the Public Works, Planning & Zoning office, that this

appeal fee had to be paid, I also spoke to him and sent him a letter stating that the appeal filing fee had to be paid. I have had no response from Mr. Countryman and he is not online today.

Chairman Olsen said, for clarity, he did ask for an appeal though in writing? Deputy Clerk Moore said he did file a written appeal.

Chairman Olsen asked if there was any public comment. Geoff Knell said I read the 2015 plan on the growth of this county. This should never have occurred. The Planning Commission should have approved this immediately. I go on the basis of a friend who owns a trailer park but they cannot reopen it because of United Nations sustainable development. Entrepreneurship - they bring more taxes into our budget but your plan, your directions, and your ordinances, which your predecessors approved, allowed this to happen. Let an entrepreneur move forward. This should never have happened. I am sick and tired of the red tape and regulations to control people's businesses. At that trailer park, he found out that he had to put two more acres of property but you can't open it because you do not qualify. That is a bunch of crap. Excuse me, that is improper. That is absolutely wrong. How can capitalism go on if we want to regulate every thing that we do? Everything. People have to do this and this and then people have to close because we do not have enough land. Now, this person wants to conduct a business. Is it garbage collection? What is it? Collecting plastics, recyclables? I think it is a garbage truck is what I am interpreting, but this should never have happened. You have too much red tape to control our lives. Liberty and freedom, Commissioners, liberty and freedom that you must understand. You are letting the government control every aspect of our lives. You are slowing disseminating our liberties and our freedom to make a decision. You are supposed to control the chaos and to make law and order but regulating something like this is ridiculous. Look at what we have become. Government is too much in charge. It is supposed to be we the people to keep you under control. In your position, do you realize what you are doing? Legal obligation, which your predecessors have developed and it is the plan to restrict our liberties and freedoms. I get a bit redundant on this, I know, but it is frustrating because I am falling on deaf ears. You are just not getting it, Commissioners. You are just not getting it. You are letting the government rule over us and you are not going to rule over me. Make a right decision and approve this. There was no further public comment.

Chairman Olsen said if I may suggest that we hold this hearing, if we are going to, possibly at our next meeting on March 17th and just incorporate it as an Agenda item at our regular meeting. A lot of times we would hold these in the evenings or something. Deputy Clerk Moore said an appeal hearing requires that a legal notice be published in the newspaper and I would not have sufficient time to place the legal notice by the 17th, so I would suggest the April 1st meeting. The appeal must be heard by April 22nd, if it is allowed. Chairman Olsen said, if we set it for April 1st, it will be a regularly agenzized item for that meeting.

Commissioner Koenig said my thought is that, without the \$250 filing fee being paid, I do not think it is a valid request for an appeal. If he wants to file a new appeal with the \$250. If we waive it now, then let's just get rid of the filing fee because why can we allow him not to pay it but try to make the next guy pay it. Either we enforce the \$250 or we strike it down but how can you pick and choose who gets to pay it and who doesn't? Commissioner Heath said as long as he

pays it before the appeal hearing we should be ok. Commissioner Koenig said but if you go through all of the time and effort but he hasn't paid the money. Commissioner Heath said but he submitted the letter. Commissioner Koenig said but if we go through and she does all of the work for the appeal and he never pays it, then that is all wasted time and effort.

Civil Deputy District Attorney said this is entirely up to the board what you want to do. Chairman Olsen said as to denying him because he has not paid the filing fee? Mr. Shawcroft said you are definitely within your grounds to not even schedule a hearing until the fee is paid. Or, if you want to go ahead and schedule it for a hearing, that is entirely up to you. Chairman Olsen said to Deputy Clerk Moore what does it cost us to publish the legal notice? Deputy Clerk Moore said it costs hundreds of dollars for these publications. It is probably easily \$150 per publication, plus we have to mail letters out. It is a lot of work and a lot of expense for these appeals. Chairman Olsen said is \$250 within reason or are we probably short-changing ourselves. Deputy Clerk Moore said yes, that is what we have determined in the past.

Chairman Olsen said, as I read the record, Mr. Countryman has been offered how many opportunities to speak to staff, to speak to the Planning Commission? His only response is to have filed the appeal when he was denied. Is that true? Deputy Clerk Moore said that is correct. I know that his initial review hearing did not get scheduled when it should have due to the death of Debi Kissick and then, when the Planning Department discovered that, they scheduled him for a hearing and they had to keep rescheduling the matter before they ever finally heard the matter. She asked Chris Spross if Mr. Countryman even showed up for the hearing. Mr. Spross answered that he did not show up. He has been asked to appear four times throughout 2020 and our latest Planning Commission on February 10th and he did not appear. Because of technical difficulties that we have had in the past, we are now posting my office telephone number on the Agenda for people to call if they are having technical difficulties and then that phone number is forwarded to my cell phone, which I have with me during the Planning Commission meeting. We hold these meetings in the evenings, so we do not have anyone in the office to take a call and nobody called the number that was posted on the Agenda to say that they could not get in. There was a phone log where somebody tried to call the office phone number on several occasions and we believe it was Mr. Countryman but it was very clearly posted on the Agenda that, if there were technical difficulties, to call that number and it would have been forwarded to my cell phone and we would have been able to handle any sort of technical difficulties and get him on. Chairman Olsen said that would have been when his hearing took place and that was when he was denied? Mr. Spross said that is correct. For a little bit of background, his Special Use Permit was issued in 2018, with the condition that he needed an annual review. His annual review would have been done in November 2019 but it somehow slipped through the cracks, so in the beginning of March 2020, we contacted him and told him that he needed to appear for the annual review. COVID hit, we postponed the meeting and he was scheduled to appear in May 2020, again in June 2020, and then again in July and August 2020. At the August 2020 meeting, the Planning Commission exercised an option to give him an extension for six (6) months, which was done and put it to the February 10, 2021 meeting, which he did not attend, as well. Chairman Olsen said you theorized that, at the last possible minute, he finally did try to respond or you think so, possibly? Mr. Spross said we believe that he called the office phone number on several occasions around 7:00 PM that night, which would have been the start time of our

meeting. Again, it was clearly posted on the Agenda what number to call if you had any technical difficulties. Chairman Olsen said I understand but he did not make himself available for any of these multiple appearances that you just stated through that year. Mr. Spross said that is correct. Chairman Olsen said that is correct and there were no technical difficulties then, only at the last minute where potentially he could have. Mr. Spross said that is correct. The original meeting was set for an in-person meeting and then that got postponed and then the meetings were transferred to Zoom meetings but there was no evidence of any technical difficulties for that. Chairman Olsen said had he been in conversation right along, I think my feelings would be a little different. The fact that he has not availed himself of some of these other opportunities to square this up and he waited until the last minute and then is denied and now he wants an appeal without paying us for it for the right for an appeal, I am not very sympathetic.

Civil Deputy District Attorney Shawcroft said one option is to put a deadline for him to pay the filing fee, say within the next 5 days. You could tentatively set the appeal hearing on the condition that he pays the appeal fee within a certain amount of time and, if he doesn't pay it, then we do not have the hearing. Chairman Olsen said does that fit the deadline to get it on that April 1st meeting? Deputy Clerk Moore said, if you wanted to be able to pull this before I post that Agenda, you could go out as far as March 25th to give him extra time. Chairman Olsen said I get the Agenda part but I do not want us to pay for a legal advertisement if he does not pay. Deputy Clerk Moore said he would have to pay by March 18th. Chairman Olsen said let's give him until March 15th. Chairman Olsen asked the other Commissioners how they feel about that. Commissioner Heath said I am okay with that. Commissioner Koenig said I will compromise to that. My motion would have been to deny the appeal hearing and, if he wants to file another appeal with the \$250, then he could do that. I am okay with this suggestion. Deputy Clerk Moore said, for clarification, a person only has 10 days from the date of the Planning Commission meeting to file an appeal, so he would not be able to file again. He did file the appeal within the 10 days, but he did not pay the filing fee. Commissioner Koenig said that is not a valid application without the fee being paid.

Chairman Olsen asked counsel if we are exposing ourselves to any additional jeopardy in the future with somebody else where he filed the appeal within 10 days but did not pay the \$250 filing fee? Mr. Shawcroft said we are not.

Commissioner Gregory Koenig made a motion to set an appeal hearing on the 1st day of April, 2021, conditioned upon him paying the \$250 filing fee by March 15th at 5:00 PM. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Approval of an Engagement Letter with Scott Shaver, Esq. in the amount of \$35,000 to act as bond counsel for Churchill County regarding the issuance of a revenue bond financing construction of the CC Communications Operation Center.

Churchill County is preparing to issue Nevada Revenue Bonds to finance at least a portion of the construction of the CC Communications Operation Center at 899 S. Maine Street. Part of this process requires the retention of services by bond counsel. Scott Shaver has historically provided these services for the county and is currently providing these services for the county's other bond

projects. Mr. Shaver will advise the county regarding the requirements of law in connection with the issuance of the bond, as well as prepare all legal documents needed to complete financing.

FISCAL IMPACT: \$35,000.00.

EXPLANATION OF IMPACT: Legal Fees

FUNDING SOURCE: CC Communications.

ACTION REQUESTED: Accept

Civil Deputy District Attorney Sanford made this presentation to the board as outlined in the Agenda Report.

Chairman Olsen asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the engagement letter with Scott Shaver as bond counsel for financing of the CC Communications Operation Center and authorizing the District Attorney's Office to sign. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Appointment of a Churchill County Representative to serve on the Nevada Local Justice Reinvestment Coordinating Council

Pursuant to the enactment of Assembly Bill 80 in 2019, the Nevada Department of Sentencing Policy (NDSP) was created to assist the Nevada Sentencing Commission in developing policy recommendations concerning sentencing and corrections, as well as assessing the outcomes resulting from Assembly Bill 236. Assembly Bill 236, which was also enacted in 2019, created the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) to advise and assist the Nevada Sentencing Commission by providing input and recommendations regarding various criminal justice issues and matters that are important at the local level. The NLJRCC is comprised of representatives from each county in Nevada (one member from each county with a population of less than 100,000, and two members from each Clark and Washoe).

The Churchill County Board of Commissioners is required to appoint one (1) member to the NLJRCC. The Sentencing Commission has indicated that those to be appointed members should be stakeholders from the criminal justice system and mental health and treatment communities. The member appointments are two-year terms and the Chair of the Sentencing Commission will appoint the Chair of the NLJRCC.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

This item was withdrawn.

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: Treasurer's Report for January 2021 showing a balance of \$46,440,237.58 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for January 2021, which shows a balance of \$46,440,237.58 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:

C- Consideration and possible action re: Sheriff's Civil Report for the month of January 2021 showing a total of \$11,645 collected in revenue for the month.

Sheriff Richard Hickox provides his monthly Civil Report for January 2021, which shows a total of \$11,645 collected in revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$11,645.00.

EXPLANATION OF IMPACT: Fees collected help to offset the costs of providing the services.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chairman Olsen asked if there was any public comment but there was none.

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

Consider Future Agenda Items:

Commissioner Koenig said I would like to see a presentation made on Elko, Lyon, and Eureka County's plans for reopening.

Commissioner and Management Staff Reports:

Chairman Olsen reported on the following topics:

- Budget hearings.

- Meeting with the City of Fallon to discuss relations between the city and the county and things are good.
- Board of Health meeting.
- Met with Judge Stockard.
- Met with Jim Wallace regarding the Buena Vista Mine to discuss his client's interaction with the Fallon Range Training Complex expansion and the county's position on that. I have been invited to participate on a committee that includes the county and our other partners, counties, tribes, state, and the Navy. I do not know when the first meeting will be.

Commissioner Koenig reported on the following topics:

- Library Board of Trustees meeting where things are going well.

Commissioner Heath reported on the following topics:

- Met with the WNDD Executive Director to discuss some upcoming deadlines for grants.
- Asked Lisa Erquiaga at the William N. Pennington Life Center to give us some ideas for reopening.

County Manager Barbee reported on the following topics:

- We went through the bid process on the concrete foundation for the Civic Center, so that will come before you in the near future for approval. It looks like we may have a chance to get rolling on that a few days earlier than anticipated with them being able to move gravel from that site to the Miners Road property. We hope to see that within the next couple of weeks, which is exciting. The preloads have been signed off on.
- We continue to see a lot of discussion related to Legislation for innovation zones proposed by the Governor and R & R Partners, so they have been doing a heavy push to show the benefits of that. NACO and counties still have concerns on how that will play out, so we continue to monitor that. Chairman Olsen said I was at fault because we had not spoken and I would like to have that as a future Agenda item to discuss and consider a Resolution on that. Mr. Barbee said there is some language that is being proposed by other counties. Chairman Olsen said Storey County passed a Resolution the other day. Mr. Barbee said there was a meeting I was not at and there were some interesting discussions about things they could do with the innovation zones. The County Manager from Storey County was on that call and it was pointed out that several of the things that they were identifying that they would be able to do and Austin told them they could do that now just by making the request, but they had not done so.
- I have attended the Rural Caucus the last couple of meetings, which is largely representation by the rurals, and met with several Legislators in person, so they continue to put pressure on to get the building open so people have access in the building. That is

a major push for them.

Comptroller Wideman reported on the following topics:

- Provided the Sales Tax report for December via email. That report shows we are 77% higher than our 11 average and 18% higher than last year.
- The Fund balance report was provided for your review. Our audited fund balance for governmental funds was \$39.6M, which is about \$6.8M higher than we budgeted for as our opening fund balance, mostly resulting from COVID funds. We received some FEMA money for COVID for our message boards, which represents 75%. I will apply for the additional 25% because they are paying 100%.
- Chairman Olsen asked to determine how much of that fund balance was from one-time funds and provide that at a future meeting. Comptroller Wideman said we had almost \$3M for the CARES Act funding. Overall, our sales taxes have been higher than we budgeted, so that represents an increase. Chairman Olsen said do you foresee abatements of those sales taxes? Comptroller Wideman said it was alarmingly high and there were some related to utilities, so that is a possibility. Chairman Olsen said these things tend to be reconciled later, so you think you have the money but you do not. Comptroller Wideman said we may get some sort of a credit on one of the line items later on that tells us that the sales did not belong to Churchill County or something came up and there was an adjustment. Chairman Olsen said the adjustment is that whomever gets an abatement on sales tax and the state abates our tax but they keep theirs.

Sheriff Hickox reported on the following topics:

- We had our Executive Board meeting for the local Task Force and things went well. We reviewed the cases we have had and our staffing. The Task Force is more than meeting our expectations, so we are very pleased with that.
- Attended the Sheriff's & Chiefs Training in Mesquite where we discussed some upcoming bills that have some serious ramifications. I will provide a more detailed report on that when get my notes completed.
- We have been asked by a couple of agencies to have a tour of our jail facility to look at some of the efforts we have in place since we passed the POOL/PACT audit, specifically with regard to mitigation of suicides in jail.
- There was some discussion brought up by Clark County regarding the moratorium regarding the use of breathalyzers for DUI detection, as well as PBTs. Most of the state is still following that moratorium but there are a couple of counties that have rejected the idea and are still using breathalyzers and PBTs. We had a sidebar discussion about the risk for that but I do not know if they will modify their plan or not.
- We are continuing to look at changing our contract with Turn Key, which expires in September. We are looking for other options because we are not satisfied with quality of that equipment, as it is slow and outdated. We end up having to wait for the equipment to be reset back in Wisconsin when it goes down. We have looked at several different

companies trying to get some other contract proposals.

- We just held the retirement ceremony for Jeff Cooley after 25 years, so our agency is losing a lot of expertise and knowledge. We are trying to replace the representative on the Task Force.

Clerk/Treasurer Rothery reported on the following topics:

- My office has been busy with taxes, as the 4th installment was due on Monday.
- We collected almost \$2.5M property taxes last month, so we are busy and trying to bring money into the county.
- We are busy working on our tax sale, which is set for April 29th and 30th.
- I am working on Legislative matters related to elections and treasury matters.

Civil Deputy DA Shawcroft had nothing further to report.

Claims and Payroll Transmittals:

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

Public Comment:

Chairman Olsen asked if there was any public comment. Geoff Knell said I would like to see positive things about your actions but I cannot. I would like to read Isaiah 56:9-12: "All you animals of the field and forest, come and eat. Israel's watchmen are blind, all of them; they know nothing; all of them are mute dogs that cannot bark; they dream, lie down and love to sleep. These dogs have fierce appetites but they never have enough. They are shepherds that have no discernment; all of them turn to their own way; every last one of its own gain. Come, let me get some wine. Let's guzzle some beer. And tomorrow will be like today, only far better." I keep falling on deaf ears. I hear the action called legal obligation. Where is individuality, Commissioners? Where do you have the common sense? Where? When are you going to wake up? Our state government is okay with murdering the unborn. They are okay with promiscuity; they are okay with depravity and, yet, you have a legal obligation. Your actions are gullible. You do not seem to be informed and you do not want to fight a government that harms human life in Carson City. Where is individuality? You are supposed to be from the bottom up, not the top down and you are letting the top rule us. You rely fiscally on the state but you have to obey their rules so you can have the money and spend it on worthless projects. When are you going to have a town hall? When are you going to hear from your constituents? When are you going to do that? I heard they do this in other states and they find an opinion of what is going on in the county, good and bad. No, you want to follow the state rules under legal obligation. When are you going to talk to the constituents? I do not know you, Mr. Commissioner at the end there, I do not know you. What are your aspirations? What are your goals to be in this position? I know who Mr. Olsen is and I know Mr. Koenig. When are you going to speak to the people of Churchill County? The city is ordered to pay the county and I do not like the way you are handling my money. There were no further public comments.

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:

The quarterly jail inspection was conducted following the meeting and a separate report of that inspection was recorded.

Adjournment:

The meeting was adjourned at 9:38 AM.

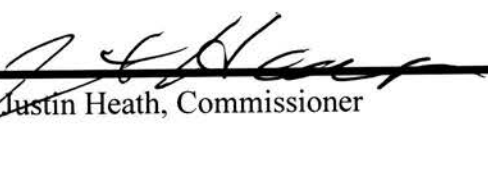
Approved: _____


H. Peter Olsen, Jr., Chairman

Approved: _____

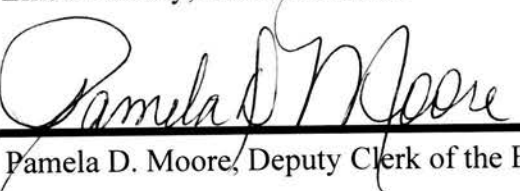

Greg Koenig, Vice-Chairman

Approved: _____


Justin Heath, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer


Pamela D. Moore, Deputy Clerk of the Board