

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

June 2, 2022

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:18 AM on June 2, 2022.

PRESENT:

Commissioner H. Peter Olsen, Jr.
Commissioner Gregory Koenig
Commissioner Justin Heath
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Deputy Clerk to the Board Pamela D. Moore
Clerk/Treasurer Linda Rothery

ABSENT:

Pledge of Allegiance:

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

Public Comment:

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

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 26th day of May, 2022, between the hours of 11:00 AM and 12:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

Commissioner Gregory Koenig made a motion to approve the Agenda as submitted. 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- March 3, 2022 Closed Personnel Session.

The Minutes of the closed personnel session held on March 3, 2022 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 closed personnel session held on March 3, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- April 7, 2022 Closed Personnel Session.

The Minutes of the closed personnel session held on April 7, 2022 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 closed personnel session held on April 7, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

C- April 20, 2022 Closed Personnel Session.

The Minutes of the closed personnel session held on April 20, 2022 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 closed personnel session held on April 20, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D- May 5, 2022.

The Minutes of the meeting held on May 5, 2022 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 May 5, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E- May 5, 2022 Closed Personnel Session.

The Minutes of the closed personnel session held on May 5, 2022 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 closed personnel session held on May 5, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

F- May 18, 2022.

The Minutes of the meeting held on May 18, 2022 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 May 18, 2022 as presented. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Appointments:

A. A- Consideration and possible action re: Request for Funding in the Amount of \$8,300 to support the Battle Born Broncs Event

Fallon Western Heritage Events/Skiver Bootmakers, LLC is holding Churchill County/Fallon's first ever Professional Rodeo Cowboys Association (PRCA) sanctioned event at the Rafter 3C Arena on June 14 – 15, 2022. This event is also the first major event being held in the county's new facility and expects a sold-out crowd of around 3,000, which will be televised on the Cowboy Channel + Ap, which currently has 8.3 million viewers. The Cowboy Channel started their summer campaign promoting "100 Rodeos in 100 Days" back in 2021 in Reno and, now, Battle Born Broncs will be the first rodeo kicking off those 100 days for 2022! By exposing viewers, contestants, attendees, and sponsors to Churchill County/Fallon and the new Rafter 3C Arena, it is certain to have a ripple effect that will bring other successful events and businesses to Fallon.

On June 14th, there is a PRCA "Rodeo School" for kids in the community and surrounding areas. The school staff consists of PRCA members, including present and past contestants and top rodeo competitors. They will explain rodeo safety, rules, equipment, and talk about animal welfare. Lunch will be provided and students can move through stations where they get one on one help with the events they are most interested in. The Rodeo School is free to all youth. On June 15th, the Western Market will open early at 4:00 PM so that the public has an opportunity to shop and eat. At 7:00 PM, the show kicks off with a Grand Entry tribute to our military men and women, along with appreciation for our rural community and western lifestyle.

This first ever Battle Born Broncs event is envisioned to be an annual event that will fall just

before the Reno Rodeo to fill a gap in the PRCA schedule that will encourage maximum participation from saddle bronc riders and bareback riders from all over the United States and Canada. As the business and sponsorships grow, the group plans to make Battle Born Broncs better every year and create a lasting annual event that allows them to give back and continue to positively impact their local community.

FISCAL IMPACT: FY22: \$8,300 +/-

EXPLANATION OF IMPACT: The Community Support Budget as a whole, has funding available to cover this request as other line items, aside from Miscellaneous Grants, within the budget were not expended this fiscal year.

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

ACTION REQUESTED: Accept

Darcie Spero, Fallon Western Heritage Events/Skiver Bootmakers, LLC, made this presentation as outlined above.

County Manager Jim Barbee said these funds will be specifically targeted for covering the costs of the sound system that we have to bring in because the sound system in the facility has not been put in place and then in a partnership with Battle Born Broncs for a commercial promoting their event, obviously, in combination with the Rafter 3C, and the opportunity that the county will have to utilize the video footage in other advertising and marketing opportunities. We do have funds available in the account that would cover this.

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

Commissioner Gregory Koenig made a motion to approve funding in the amount of \$8,300 to support the Battle Born Broncs event. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B. - Consideration and possible action re: An Application for abandonment of easement filed by Ralph & Deborah Mills for property located at 4572 Bebe Ann Way, Assessor's Parcel Numbers 006-231-69, whereby a Petition has been filed to abandon the 60 foot road easement and related parallel easements that currently extend across Parcel 10 and lying east of the existing turn-around as shown on map document number 408057, Churchill County Records

The Application proposes to abandon the road easement and associated parallel drainage and utility easements through this property at the end of Bebe Ann Way. The road currently ends in a cul-de-sac but the easements continue through to the east end of the property and provide access to the adjacent lands to the east.

Bebe Ann Way was created by a Cluster Development, in which a farmer (in this case Newell Mills, a relative of the current owner) gets to develop their allocation of possible lots and keep most of the farm too. The remaining farm is subject to a Conservation Easement, which, in this case, is the farm field north of the Bebe Ann Way lots. North of this Cluster Development, Newell Mills also created another Cluster Development along Sheckler Road and Chavez Drive, with the Conservation Easement located adjacent to the one for the Bebe Ann Way

project. This Conservation Easement property extends south to abut the subject property and the end of the road easement proposed to be abandoned. However, this Conservation Easement is different, in that it is only for 30 years, of which half that time has passed. On expiration, the farm property (which abuts the road easement) can be further developed.

Nevada Revised Statutes and Churchill County Code requires two public hearings. The first hearing is before the Planning Commission, who makes a recommendation to the Board of County Commissioners. The second hearing is before the board, who makes the final decision. The Planning Commission may recommend and the board may approve the abandonment if it determines that the public will not be materially injured.

NRS and Churchill County Code requires notice for the hearings to a newspaper, to landowners abutting the abandoned easement, and to utility and video service providers. Such notice was provided. Notice of the proposal was also provided to other Churchill County Departments:

- The Fire Marshall had no objections.
- The Road Supervisor recommends NOT abandoning the easement, as discussed below.
- The County Surveyor reviewed the proposal and (a) indicates that the abandonment is complex enough to need a careful description by a licensed surveyor; and (b) that the drainage and utility easements need to be established to continue southward rather than be simply cut off. The County Surveyor's issues need to be addressed if the abandonment is approved.

NRS and Churchill County Code allow utility and video service providers to object to abandoning a street and/or request that a utility easement be retained. CC Communications and Southwest Gas indicated no objection to the abandonment. No other comments were provided. The Churchill County Public Works Director OBJECTED to the abandonment, as discussed below. If approved, the land rights for the road return to the landowner.

The Road Supervisor and Public Works Director recommend against abandoning the connection through this property because it would result in material injury to the public. Several considerations lead to this conclusion:

- The county always needs to think about future road and utility networks to serve the community in the future. The Bebe Ann way road easement was purposefully established like it is to provide road and utility connections east of the Bebe Ann Way development.
- Development by just a few owners to the east would allow the creation of an east-west connection to Lima Lane, lying approximately halfway between Sheckler Road (to the north) and St. Clair Road (to the south).
- Expiration of the above noted Conservation Easement in a few years will allow the farm lot to be developed again and, thus, the north-south road connection between Bebe Ann Way and Chavez Drive (and Sheckler Road) is possible.
- The land division purposefully established this property as it is in a way to still provide a viable homesite. The site currently has 2.29 acres, of which .5 to .75 acres is buildable. This is adequate to locate a home and accessory structures. The portions of the site encumbered by the road and parallel easements will be usable for non-structural uses until such time as a road is

constructed in the future.

During the Planning Commission hearing, Ben Shawcroft, Civil Deputy District Attorney, pointed out that when there is an objection to the abandonment of an easement, the Commissioners cannot make a recommendation to approve the Application per Churchill County Code. Attached to the Agenda Report is a copy of the portion of the Staff Report for this petition and an excerpt of the draft Minutes from the Planning Commission hearing.

After the Planning Commission hearing, Dean Patterson found the tentative map for the Mills Cluster development, and a memo from the Road Department regarding that map stating that the easement was a requirement for the map.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Deny

Public Works Director Chris Spross made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. Ralph Mills said the parcel that this easement ends in is also owned by family. Cameron owns that, which is where the dairy is located. He has plans in the works to, hopefully, be submitted to the county soon for building a new dairy barn on that parcel. As such, having owned that property in the range of 100 years, we don't anticipate developing it. As such, it makes that parcel more saleable by having more access to the 2.98-acre parcel that has maybe .5 acre that is buildable based on the fact that it is surrounded by a lateral and a drain ditch. To access the road to Sheckler would require crossing the lateral and a drain ditch through that parcel that Cameron owns to access Lima Lane and would require it to go through either Cameron's parcel or the parcel to the north, which would require crossing 2 drain ditches and a lateral and a third ditch near Lima Lane. The probability of building a road in an A-5 zone is pretty minimal, especially with no community water or services in that area. I would request that the easement be abandoned.

Chairman Olsen said the question that jumps to my mind is, although maybe this is not a right question about doing this, but if you did this concurrent with asking for a building permit for the new facility, then the county could see evidence of that submission. Wouldn't that be the appropriate time? You want to put a building on your property, so you are not likely to have a road going through it. Commissioner Koenig said I would be more comfortable if we did it in that order. Ralph Mills said I have no objections. It just didn't occur to me to do that. In theory, we would have had the plans submitted a long time ago but the process has been a struggle in the current times. Chairman Olsen said I was talking to Cameron about something else and he had mentioned getting a builder. Ralph Mills said yes, getting a builder and getting them to review it, which the builder is currently reviewing the plans and had some questions on them before we submit them. Chairman Olsen said I would be more comfortable that way, so we will deny it today but someday, in the near future, we will be back. Is this something we could do

concurrently? Commissioner Heath said, if this is denied, can he bring it back later? Dean Patterson said I am assuming you mean a building permit for a dairy. The dairy would need to come back through the process again, so a planning review and the building permit. Depending on the timing, I don't have the code memorized but sometimes there is like a one-year delay if you get denied, then you have a one-year delay, so that might come into play but it may be that you can apply at any time. I would have to clarify the codes. I don't know the answer to that. Regarding a dairy on the Conservation Easement property, that property has a Conservation Easement for 30 years, which is halfway through. The easement itself says that the irrigated land has to stay irrigated, so it is nearly completely irrigated but there is .5 or so acres that you could put some dairy buildings or something like that on but, otherwise, the irrigated land has to stay irrigated until the easement expires. Once it expires, he is free to do whatever he wants. He could do the 5 acre lots or another cluster or he was talking about a dairy. Chairman Olsen said given what you just brought up, you are not sure what the NRS says about if we deny he might have to wait a year but these other issues that you brought up about the other property, I would be more comfortable tabling this today and then, it can sit until you guys sort all this stuff out. Then they can come back when you have something for us. Dean Patterson said that is an option but, I think what you would have to do it table it through a certain date. That is what the state law would say. Mr. Mills could submit at a later time if it is not going to be right away. Deputy District Attorney Joseph Sanford said, if the interest is not to deny it today but to table it, I think the better option would be to either withdraw the application at present and then there is no decision that would prevent further review in the future or, if you choose to table it, I don't think it has to have a date certain, as long as the applicant is not pressing for it to be heard in a certain amount of time. That would be my suggestion. If the applicant wants a decision today then we do have to make a decision today. If he wants to withdraw it, we can make a decision at that time. Chairman Olsen said then I guess I will put this back on Ralph. What is your pleasure? Ralph Mills said to table it for a date uncertain would be acceptable. Deputy District Attorney Joseph Sanford it would be easier for us if you withdraw. Ralph Mills said withdrawing it is fine. County Manager Jim Barbee said how can it be withdrawn if it has already gone through the Planning Commission and it is on an appeal. Are you withdrawing the appeal? You can't withdraw the decision. It has already been made. Director Chris Spross said this was not an appeal. The way it was told to us in the Planning Commission meeting was, the minute one person objected to this, it is automatically denied by the Planning Commission and moves in front of the County Commissioners. It is really not an appeal; this is the second hearing from the original decision made by the Planning Commission. Deputy District Attorney Joseph Sanford said that is my understanding, as well, because an objection was required to be denied by the Planning Commission and then it comes before this board for certification. I believe that he has the ability to withdraw it at this time. Chairman Olsen said I am still confused, so we will just not act on this today and Ralph will submit a letter withdrawing the request. Deputy District Attorney Joseph Sanford that would be fine but that you are making it on the record right here is also sufficient. Ralph Mills said we will withdraw the application.

C. - Consideration and possible action re: Approval of a special assessment on the 2022-2023 Secured Tax Roll to each taxable parcel in the Carson Desert Groundwater Basin, totaling \$24,000, to each permitted water right holder in the Lovelock Valley

Groundwater Basin totaling \$135.85, and to certify the amount for the special assessment to be entered on the 2022-2023 Secured Tax Roll by the County Treasurer

NRS 534.040 requires the State Engineer to submit the budgeted costs associated with administering a particular ground water basin to the Board of County Commissioners, who, in turn, levy a special assessment on each taxable water user in the basin equal to the costs submitted by the Division. The Board of County Commissioners then directs the County Treasurer to place a special assessment on each taxable water user in the basin.

Nevada Department of Taxation Guidance Letter 19-004, dated November 25, 2019, provides directions on the treatment and billing for certain underground water basin assessments “upon all taxable property situated within the confines of a particular water basin” within the county. The special assessments for the Carson Desert and the Lovelock Valley Basins are levied on taxable parcels secured tax roll.

The Lovelock groundwater basin is agricultural in nature and billed to an individual user who is the owner of the parcel by the Treasurer. The groundwater use in the Carson Desert Groundwater Basin is not predominantly agricultural, since the agricultural irrigation source in the valley is surface water. Guidance Letter 19-004 directs us to simply allocate the charge equally to each property as a “flat rate”. Since 2015, the costs for the Carson Desert groundwater basin submitted by the Nevada Division of Water Resources have been between \$2,000 and \$3,000. In 2021, the cost increased to \$24,000, and the amount requested for 2022 remains the same.

Last year, Commissioner Koenig requested an accounting of these costs. Mr. Daniel Randles, Associate Engineer for the Nevada Division of Water Resources, (NDWR) has prepared an official response, which is provided herewith.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: As outlined.

ACTION REQUESTED: Accept

Daniel Randles with the Nevada Division of Water Resources said we previously sent some documentation based on a request from Commissioner Koenig last year. I am here to answer any questions you have or if you would like me to go over special assessments or what our agency is doing with those funds, I can do that. We did provide some documentation to you to help clarify some of the work we are doing and some of the things that are happening within Churchill County and those specific basins.

Chairman Olsen asked if there was any public comment but there was none. Commissioner Koenig said I thought the letter was informative and it answered what I was looking for.

Commissioner Justin Heath made a motion to levy a special assessment of approximately \$2.07 on each taxable water user in the Carson Desert Groundwater Basin totaling \$24,000.00, a special assessment for each permitted water right holder in the Lovelock

Valley Groundwater Basin totaling \$135.85, and to certify the amounts for the special assessments to be entered on the 2022-2023 Secured Tax Roll by the County Treasurer. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D. - Consideration and possible action re: Approval of special assessments on the 2022-2023 Unsecured Tax Roll to each permitted water right holder in the Dixie Valley Groundwater Basin and Brady Hot Springs Area

Black's Law Dictionary defines a special assessment as "the assessment of a tax on property that benefits in some important way from a public involvement". The official valuation of property for tax purposes, also termed "tax assessment", is a separate matter. Special assessments are among the powers granted to local governments. All laws applicable to the levy, collection and enforcement of county taxes are applicable to a special assessment. NRS 268.430 defines special assessments as a lien against property: "All special assessments shall, from the date of the approval thereof, constitute a lien upon the respective lots or parcels of land assessed coequal with the lien of general taxes, not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes, and prior and superior to all liens, claims, encumbrances and titles other than liens of general taxes."

NRS 533.285 directs the County Assessor to enter the amount of the charge(s) submitted by the Nevada Division of Water Resources "on the assessment roll against the claimants and the property or acreage served".

In 2019, the Division began billing Churchill County for the Dixie Valley groundwater basin where all the associated parcels are owned by the US Bureau of Land Management. For 2022, the Division billed Churchill County for the Brady Hot Springs area. Two of the associated parcels on the bill are owned by the U.S. Bureau of Land Management (BLM) and on five parcels, the Division is asking the county to bill water users who are not the owners of the parcels. It is the opinion of the Assessor that these billings do not fit the definition of a "special assessment". These billings cannot be placed on the secured tax roll as stated in NRS 533.285. Furthermore, the Assessor has no mechanism to bill these costs even on the unsecured tax roll since there is no taxable property assessment. The Assessor respectfully requests the billings for the Dixie Valley groundwater basin and the Brady Hot Springs Area be directed to the Clerk/Treasurer, who can bill these costs without an assessment on the unsecured tax roll.

FISCAL IMPACT: As outlined.

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: As outlined.

ACTION REQUESTED: Accept

Daniel Randles with the Nevada Division of Water Resources, made this presentation as outlined above.

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

Commissioner Justin Heath made a motion to levy a special assessment to each permitted water right holder in the Dixie Valley Groundwater Basin totaling \$10,119.34, to each

permitted water right holder in the Brady Hot Springs Area totaling \$18,070.99, and to certify the amounts for the special assessments to be entered on the 2022-2023 Unsecured Tax Roll by the County Clerk/Treasurer. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E. - Consideration and possible action re: Approval of a comment letter to the U.S. Fish and Wildlife Service regarding its proposed rule to list the Dixie Valley Toad as an endangered species under the Endangered Species Act of 1973

On September 18, 2017, the Center for Biological Diversity petitioned the U.S. Fish & Wildlife Service (Service) to list the Dixie Valley Toad under the Endangered Species Act. On June 27, 2018, the Service published a 90-day finding indicating that listing the Dixie Valley Toad may be warranted. On April 7, 2022, the Service issued a temporary (90-day) rule "...to emergency list the Dixie Valley Toad as endangered. Due to the imminent development of the geothermal project in Dixie Meadows, Nevada, and the potential resulting effects to the geothermal springs relied upon by the Dixie Valley Toad." The temporary, emergency listing expires on December 2, 2022.

Also, on April 7, 2022, the Service published a proposed rule to list the Dixie Valley Toad as endangered and to make the temporary rule permanent. The comment letter provided to the board provides the county's input to this rule-making process. The public comment period for this proposal closes on June 6, 2022.

Listing has the potential to impact land use in the Dixie Valley, including the county's planned Dixie Valley Water Project and associated water right applications. It should be noted that, at present, "the species occurs primarily on Department of Defense lands (90%) and Bureau of Land Management lands (10%)."

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED:

Jeremy Drew, Resource Concepts Inc., said on September 18, 2017, the Center for Biological Diversity petitioned the U.S. Fish & Wildlife Service to list the Dixie Valley Toad under the Endangered Species Act. On June 27, 2018, the Service published a 90-day finding indicating that listing the Dixie Valley Toad may be warranted. On April 7, 2022, the Fish & Wildlife Service issued a temporary 90-day rule to list the Dixie Valley Toad as endangered. Due to the imminent development of the geothermal project in Dixie Meadows, Nevada and the potential resulting effects to the geothermal springs relied upon by the Dixie Valley Toad. The temporary, emergency listing expires on December 2, 2022.

Also, on April 7, 2022, the Fish & Wildlife Service published a proposed rule to list the Dixie Valley Toad as endangered and to make the temporary rule permanent. The comment letter provided to the board provides the county's input to this rule-making process. The public comment period for this proposal closes on June 6, 2022.

Listing has the potential to impact land use in the Dixie Valley, including the county's planned Dixie Valley Water Project and associated water right applications. It should be noted that, at present, "the species occurs primarily on Department of Defense lands (90%) and Bureau of Land Management lands (10%)."

On page 3 of our letter, we talk about more recent studies have shown that the perennial yield estimate of 15,000 acre feet per year may be incorrect. Chris Mahannah has added that the estimate of 15,000 is actually on the order of 23,000-acre feet per year. These studies identify a range of only 6,800 to 11,000-acre feet per year in consumptive use of existing underground water rights in Dixie Valley. To rely on a dated abstract from DWR's website of consumptive groundwater use is a serious flaw in the Fish & Wildlife Service analysis. Furthermore, much of their assessment related to the effects of groundwater pumping are highly speculative and generalized opinions not based on hydrogeological considerations.

Chairman Olsen asked if there was any public comment but there was none. We really appreciate having Jeremy on board to help us with these complex matters.

Commissioner Gregory Koenig made a motion to approve the draft comment letter to the U.S. Fish and Wildlife Service regarding its proposed rule to list the Dixie Valley Toad as an endangered species. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

F. - Consideration and possible action re: Presentation from County Manager Jim Barbee regarding the activities of the County Manager's Office in preparation for the upcoming County Manager performance evaluation

In preparation for the upcoming evaluation of the County Manager, Jim Barbee will provide information regarding his activities and achievements. He may also discuss projects that are in-progress and future goals.

The County Manager's performance evaluation is scheduled to be placed on the commissioners' agenda for their meeting on June 15. NRS 241.031 requires that any discussion regarding the professional competence of a chief executive or administrative officer be done in an open session. Therefore, the performance evaluation of County Manager Jim Barbee must be conducted in an open session. The information provided at the June 2 meeting should assist the commissioners in the evaluation process. Human Resources Director Geof Stark sent an email to the County Commissioners asking them to fill out an evaluation form outlining the County Manager's performance. This information will be synthesized into a summary report to be distributed and, if desired, discussed at the meeting on June 15, 2022.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

County Manager Jim Barbee said the things that I will be talking about as accomplishments were involving more than just me. It is a part of the team that we referenced last night.

Regarding Economic Development, we have tons of economic businesses that are coming forward, as we speak. A lot of those have not become public yet but I can say significant numbers in working with Bruce Breslow and some of those folks. There are going to be some significant things that come to life in the next 6 months in terms of businesses that are moving forward.

As you are aware, we worked through the housing proposal on Coleman Road and we will be taking a zoning change next week to the Planning Commission towards making that happen in terms of creating some housing developments that we had previously proposed. Obviously, last night, one of our big activities was our Rafter C3 Arena and opening that facility.

Under Natural Resources, a hat tip to Jeremy Drew. We have been heavily working on the Navy Expansion and I think it is safe to say things are starting to heat up significantly. Again, there is not anything publicly that we can really share there but you are going to be seeing a lot more activity and information as we move forward over the next, probably 3 weeks. We continue to work with the Carson Water Subconservancy group on the study for the flood plain and floodway. That is making progress and is being presented to FEMA and we are currently waiting on them to schedule their meetings and activities and public presentations. Again, we are probably a year and a half on that coming through but, when that does come through, it will significantly impact the community by, in many cases, eliminating their requirements to carry flood insurance, so that will cascade, not only throughout the county going through those river corridors, but also through the city itself as they have joined in on this effort over the last couple of months.

We continue to work with Chris Mahannah on water resources, as we have developers that are coming forward, as well as businesses that are coming forward and some of that will be some of the discussion referenced back to the development side as some of these businesses become more apparent over the next couple of months.

Regarding building and facilities, we have had a tremendous amount of activity this year. They are, obviously, the 3C Arena but, in addition to that, the remodel that was done on the Cottage Schools and approved through the budget process to pick one of those Cottage Schools up again, as we move forward next year and getting that program for both the CARE and SUMFUN Programs moved into those facilities.

We are also remodeling where the Public Defender's Office will go in the Administrative Building and, just this last week, toured with the City of Fallon, the Old Post Office where the Alternate Public Defender will be placed as part of an expansion that we are making there to reduce conflict.

We have, additionally, created a new office space within the Museum itself to create expansion for archives capacity in the Museum over the last year.

Currently, at the Drumm Building, they are putting up the walls for the offices and working with Shannon and Chris Spross and put together a budget and a \$1.5M grant application to modify that building and have it, basically, if it is structurally secure moving forward to do a retrofit that will make it a much more eye appealing piece of property in its current location on Maine Street. We have worked with Chris and Ben and have done a tremendous amount on the courthouse RFP. We are right at a point of releasing that. There has been kind of a gap in that charge that was given to me as we were going into COVID, because of COVID, so we are at a point now taking what has been produced by Sletten previously, that the Commission approved as a recommendation to place a 2-story courthouse in the location of the old CC Communications building. This new RFP, which calls for an architectural and structural engineering review, would basically do the final determinations on what the foundations of that building, once awarded, what the foundations of that building would look like and coordinating with the District Court officials and CC Communications in terms of the connections of the wires and making sure that everybody's needs are addressed, then we will move forward there.

Under Health and Human Services, we had the state Health Lab, satellite lab, redeveloped this year. Equipment has been put in. We have gone through 2 reviews with the State Health Department and this is moving forward. We should be open for business in the next month. The Central Nevada Health District is ongoing, which would be housed here in Churchill County but will be coordinated with and partnered with Eureka County, Pershing County, and Mineral County. We continue to move forward on those.

This last year, the county assumed operation of the Pennington Life Center. We have expanded the number of meals that are being consumed in that facility; I want to say they are up to 130 in the last couple of weeks. It has been significant.

We continue to deal with the COVID response and proposals for a COVID building out on Miners Road but that has still has not been finalized or come through the Governor's Office.

Under Human Resources, we put together a comp study and went through that process this year and you guys made final judgements on that. We have contract negotiations that we have been wrapping up and will be, hopefully, wrapped up today. We have had multiple new positions. They have been largely withheld but we have also had some in the Sheriff's realm. Additionally, on information technology, we brought in an IT Manager staff position and Tony has been doing a review of that contract that we have been operating with for Logically. In the next 2 weeks we will be coming forward with recommendations on contract changes to be made there, as we move forward with recognition that we have an IT staff position that is going to pick part of that up, as previously expressed.

Regarding Cooperative Extension, we have specifically been dealing with a fair amount of things there. Largely, looking at getting the Extension Agent position filled. We have gone through 3 renditions of interviews. We are on our 3rd rendition of interviews for the agent position there. We just went through a video interview process last week and will start scheduling hard visits in the next 2 weeks for the final interviews and so, hopefully, we are going to get somebody put back into that position. It has been open now, I believe for 3 years.

Additionally, I coordinated with Cooperative Extension and assisted in the management this year of the Churchill County Junior Livestock Show and that was the first time that show was held in the new Rafter 3C building.

Regarding grants and infrastructure, we did receive a \$300,000 grant of an earmark for the Preliminary Engineering for a new water plant, which we are currently engaged with at the golf course. We submitted additional earmarks that deal specifically with water and wastewater, water and wastewater lines and roadways, moving forward. We are completing the partial grant, partial pay, the redundant water well that we had to put on Casey Road per state statute requirements so, they are putting those final pipelines in.

Lastly, we have had a tremendous amount of coordination over the last year with the city and, as referenced last night, the 3C Project amongst numerous items that we crossover and interact in. We continue to work with the Navy on creating Conservation Easements. That program is moving forward as normal. Obviously, we have been heavily coordinating over the last year with the state, largely, in the area of health in some of the COVID response stuff.

Chairman Olsen asked if there was any public comment but there was none. Commissioner Koenig said I just want to say thank you. I think that was kind of my request and I know it gave you a homework assignment but it really is going to make it easier for me and make me more comfortable with your evaluation because I kind of know specific things that happened.

Commissioner Gregory Koenig made a motion to accept the County Manager's report. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Letters Received:

A- Bureau of Land Management's Full Force and effect Decision Record for the Fence Line - Ditch Cleaning Project in the Winnemucca District to reduce annual invasive fuel loading.

The Bureau of Land Management (BLM) provides notice of its Full Force and effect Decision Record for the Fence Line - Ditch Cleaning Project in the Winnemucca District to reduce annual invasive fuel loading. The project was designed to encompass areas of known non-native annual invasion. By reducing these hazardous fuels, firefighting crews and equipment will be able to more effectively engage future wildfires, thereby reducing the size and scale of subsequent habitat destruction. Proposed treatments include mechanical manipulation of annual vegetation using tractors, UTVs, and hand tools for pile construction and prescribed pile burning to remove hazardous fuels.

The Decision Record, DNA, and the associated location maps can be viewed online using the BLM's ePlanning website at: <https://eplanning.blm.gov> by entering DOI-BLM-NV-W000-2022-0003-DNA in the NEPA # advanced search field.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED:

B- COVID-19 vaccine and testing schedules for Churchill, Mineral, and Eureka Counties for June 2022.

Provided to the board are the calendars for COVID-19 vaccine and testing schedules for Churchill, Mineral, and Eureka Counties for the month of June 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

C- Churchill County Mosquito, Vector, and Noxious Weed Abatement District's Final Budget for Fiscal Year 2022-2023.

The Churchill County Mosquito, Vector, and Noxious Weed Abatement District provides its Final Budget for Fiscal Year 2022-2023 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

D- Churchill County Public Health Newsletter for June 2022.

The Churchill County Public Health Department provides its Newsletter for June 2022 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

New Business:

A- Consideration and possible action re: Reappointment of Jason Sibley to the Churchill County Advisory Board to Manage Wildlife.

County Advisory Boards to Manage Wildlife (CABs) are appointed by County Commissioners from all 17 Nevada counties to serve three (3) year terms. The County Advisory Boards to Manage Wildlife are responsible for advising the Nevada Wildlife Commission, particularly with the setting of seasons and limits for their respective counties. CABs advise the Wildlife Commission by gathering information from area sports persons and local input through meetings in their respective counties. Members on the CABs should be selected with the intent to provide representation from a cross-section of the county to ensure that all major viewpoints are examined and that any faction or special interest group does not dominate the CAB. Nevada Revised Statute (NRS) 501.297 – NRS 501.303 governs the County Advisory Boards to Manage Wildlife.

The Churchill County Advisory Board to Manage Wildlife consists of five (5) members serving

three (3) year terms. One position has a term expiring June 30, 2022, which is held by Jason Sibley and he has expressed a desire to continue serving. The County Manager has reviewed this request and recommends he be reappointed. Jason Sibley is a dedicated and engaged board member and is well prepared to serve another three (3) year term. Mr. Sibley has a clear understanding of the duties and responsibilities related to this position.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Jim Barbee made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. He said we appreciate people serving on these boards. It is important.

Commissioner Justin Heath made a motion to reappoint Jason Sibley to serve another 3-year term on the Churchill County Advisory Board to Manage Wildlife, effective July 1, 2022 to June 30, 2025. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Approval of Amendment No. 2 to the One Nevada Agreement on Allocation of Opioid Recoveries which authorizes the State of Nevada to receive the recoveries and remit payments to local governments pursuant to the percentages and terms of the One Nevada Agreement and, further, to authorize the Chair to approve any future amendments to the One Nevada Agreement as they are consistent with the best interests of the county.

The parties to the One Nevada Agreement on the Allocation of Opioid Recoveries (Churchill County is a party) are considering approving Amendment No. 2 to the agreement. This amendment facilitates and simplifies the disbursement of opioid case recoveries. Under this amendment, the State of Nevada will receive the recoveries on behalf of all parties to the agreement. The state will then calculate, based on the terms of the agreement, the amounts due to each individual entity and remit those payments accordingly. No additional conditions or terms are placed on the receipt of those payments other than what was previously agreed to under the One Nevada Agreement.

Additionally, under this item, it is requested that the board authorize the chair to approve any future amendments to the One Nevada Agreement insofar as those amendments are consistent with the best interests of the county. These amendment requests may come at any time as the cases are settled or tried and often require a quick response. This authorization will allow the chair to sign those amendments without bringing them before the entire board.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: NA

FUNDING SOURCE: NA

ACTION REQUESTED: Accept

Chief Deputy DA Benjamin Shawcroft made this presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to approve Amendment No. 2 to the One Nevada Agreement as presented and authorize the Chair to approve any future amendments thereto insofar as they are consistent with the best interests of the county. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Closed Session - Regular Meeting will Recess and then Reconvene After the Closed Session:

8:45 AM A- Closed Personnel Session Pursuant to NRS 288.220 re: Discussion of negotiations with the Churchill County Sheriff's Deputies Association (CCSDA), Deputies' and Sergeants' Units.

A closed session will be held to discuss the progress of negotiations with the Churchill County Sheriff's Deputies Association (CCSDA), Deputies' and Sergeants' Units. No action will be taken as this is for informational purposes only.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Commissioner Justin Heath made a motion to recess the meeting to go into closed session pursuant to NRS 288.220 at 9:07 AM. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote. The regular meeting convened at 9:19 AM.

Ratification of Collective Bargaining Agreement:

8:55 AM A- Consideration and possible action re: Approval of the Collective Bargaining Agreement between Churchill County and the Churchill County Sheriff's Deputies' Association (Deputies and Sergeants Units).

The current Collective Bargaining Agreement (CBAs) between Churchill County and the Churchill County Deputies' Association (Deputies' and Sergeants' Units) (aka CCSDA) expires on June 30, 2022. As required under the Nevada Revised Statutes, CCSDA notified the county of its desire to begin negotiations on a successor bargaining agreement for the units. Negotiations began on February 10, 2022 and were completed on May 19, 2022.

Both sides negotiated in good faith. The management team thanks CCSDA for their active participation throughout the process.

The end result of negotiations was a one-year agreement. The county and CCSDA agreed to a pay increase 6.0% in FY 2023. The county will pay the employee-only premiums for health insurance for the contract year. Deputies who are designated by the Sheriff to act in a higher classification than their current classification for at least two hours of a shift will be paid a 5%

increase for hours worked in an acting capacity. Changes were made to the uniform allowance regarding the timing of the payments and increasing the new-hire allowance from \$350 to \$750. The county will now provide up to \$500 reimbursement for ballistic vests purchased by the employees for performance of their duties. Training expenses were increased from \$1,000 per year, per deputy, up to \$1,200 per year, per deputy. Wording was removed which allowed the Sheriff to waive the annual leave forfeiture with the county agreeing to increase the number of employees who can participate in the annual leave conversion policy. And the contract was modified so that the Sheriff, fully at his discretion, could implement 12-hour shifts.

FISCAL IMPACT: The fiscal impact of the agreements, reported as required by NRS 288.153, is as follows: approximate total cost of \$275,000 for Fiscal Year 2022-2023.

EXPLANATION OF IMPACT: The fiscal impact covers the 6.0% increase in FY 2023 for the employees covered by the Collective Bargaining Agreements (CBA). The wage increases were multiplied by 44.5% for PERS and 1.45% for Medicare. The effect of the Acting Pay, Training Expenses, and changes in the Ballistic Vests and Uniform Allowance policies were also included. The county will continue to cover the employee-only health insurance premiums for FY23, which was included with the proposed budget projections for the upcoming Fiscal Year.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Human Resources Director Geof Stark made this presentation as outlined above.

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

Commissioner Gregory Koenig made a motion to approve the negotiated Collective Bargaining Agreement between Churchill County and the Churchill County Dispatchers, effective for Fiscal Year 2023. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consent Items:

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

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

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Sheriff's Civil Report for April 2022 showing a total of \$25,816.75 in revenue for the month.

Sheriff Richard Hickox provides his Civil Report for the month of April 2022 showing a total of \$25,816.75 collected as revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$22,492.00.

EXPLANATION OF IMPACT: Fees collected help to off-set the costs for providing the services.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

C- Consideration and possible action re: Refund of fee paid for the home-based business license renewal made in March 2022 by Wanda Sherry Gardner in the amount of \$37.50.

Wanda Sherry Gardner, who renewed her home-based business license late and paid the late fee, has decided to request a refund for this payment since she has decided to actually close the business as she hasn't had much success in growing it. She has decided to just allow her last business license, which expired on December 31, 2021 to be the last. She has had no monetary transactions since December 31, 2022.

FISCAL IMPACT: \$37.50

EXPLANATION OF IMPACT: Refund of the late home-based business license renewal that she paid.

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

D- Consideration and possible action re: Transfer of funds to the Churchill County Road Department in the amount of \$250,000 for FY 2022 Road and Bridge projects for the 3rd quarter.

The Churchill County Road Department is requesting a transfer of funds in the amount of \$250,000 for final payment of FY 2022 Road and Bridge projects for the 3rd 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 July 1, 2021, through January 31, 2022, in the amount of \$181,015.32. The Bottom Road cut and patch project, in the amount of \$49,734.49, and weed control from July 1, 2021, through April 30, 2022, in the amount of \$20,488.81.

The projects total \$251,238.63 but the department is only requesting to transfer the encumbered amount of \$250,000, which was approved by the Regional Transportation Commission at the February 16, 2022 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 but there was none.

Commissioner Justin Heath made a motion to approve the transfer of funds to the Churchill County Road Department in the amount of \$250,000 for FY 2022 Road and Bridge projects for the 3rd quarter. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Consider Future Agenda Items:

There were no future Agenda items suggested.

Commissioner and Management Staff Reports:

Chairman Olsen reported on the following topics:

- We had a CEDA meeting and they are going to lose their lease in February. We will have to find them another place. They had a sweet deal with Nevada State Bank who gave them the office space for free but they are going to sell the property now, so we have to do something.
- We had a Carson Water Subconservancy administrative meeting and they are trying to add another person and we had to let them know it is a grant position.

Commissioner Koenig reported on the following topics:

- I had a Library Board meeting. They want me to do the dunk tank in a couple of Saturdays and I keep making excuses not to. We will see how that ends up.

Commissioner Heath had nothing to report.

County Manager Barbee reported on the following topics:

- Sherry missed the meeting yesterday but we have a nice little plaque for her.

Sheriff Hickox was not present.

Comptroller Wideman reported on the following topics:

- We are working on the 2022 Budget Augmentations.

Deputy DA Joe Sanford had nothing to report.

Clerk/Treasurer Rothery was not present. Pam Moore reported on the following topics:

- Early voting is being conducted in this building. Yesterday we started scanning ballots. I didn't look at the final tally but it was around 400 mail-in ballots that we scanned.

- We are also doing year-end financial stuff.
- We received a nuisance complaint. We would like to do this complaint at our regular meeting on July 7. If that is okay with the board, I will see if the complainant is okay with that. Commissioner Koenig said what is the complaint about? Deputy Clerk Moore said it is about a cottonwood tree, hence the reason I want you guys to pass a resolution to have people pay to file a nuisance complaint.
- Commissioner Koenig said are our voting numbers up or down? Deputy Clerk Moore said I have not been told those numbers.

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 but there was none.

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 close of the regular meeting and a separate report of such inspection was recorded.

Adjournment:

The meeting was adjourned at 9:29 AM.

Approved: _____

H. Peter Olsen, Jr., Chairman

Approved: _____

Greg Koenig, Vice-Chairman

Approved: _____

Justin Heath, Commissioner

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ATTEST:

Linda Rothery, Clerk/Treasurer

A handwritten signature in cursive script, reading "Renae Paholke", written in black ink. The signature is positioned above a solid black horizontal line.

Renae Paholke, Deputy Clerk