

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

July 7, 2022

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on July 7, 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
Clerk/Treasurer Linda Rothery
Deputy Clerk to the Board Pamela D. Moore
Deputy Clerk Renae Paholke

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 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 30th day of June, 2022, between the hours of 4:30 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

**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- June 2, 2022.

The Minutes of the meeting held on June 2, 2022 are submitted 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 June 2, 2022 as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- June 2, 2022 Closed Session.

The Minutes of the closed session held on June 2, 2022 are submitted 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 session held on June 2, 2022 as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Recognition and appreciation of Marie Henson, Building Official, for her role with the Public Works Committee and the Rafter 3C Arena.

Marie Henson, Churchill County Building Official, participated as one of the original members of the Public Works Committee led by County Manager Jim Barbee. The Public Works Committee was responsible for coordinating and working together on the design and function of the Rafter 3C Arena. The dedication of the Rafter 3C Arena was held on June 1, 2022 and Marie was unable to attend. Therefore, County Manager Jim Barbee and the Board of County Commissioners wish to recognize and show their appreciation to Marie Henson for her involvement and assistance with this important project.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

This item was conducted to express appreciation to Marie Henson only and no action was taken.

B- Consideration and possible action re: Nevada Association of Counties (NACO) Annual Update Presentation.

Vinson Guthreau, Executive Director will provide an overview and annual update of activities for the Nevada Association of Counties.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Vinson Guthreau, Nevada Association of Counties, had a PowerPoint presentation as follows:



The Nevada Association of Counties
(NACO)

**Presentation to the
Churchill County Commission
July 7, 2022**

NACO BOARD OF DIRECTORS

County Commissioners from each of NACO's Member Counties

Executive Committee

NACO President	Bob Lucey, Washoe County
NACO President Elect	Varlin Higbee, Lincoln County
NACO Vice President	Stacey Glomi, Carson City
NACO Past President	Marilyn Kirkpatrick, Clark County

MISSION

To encourage county government to adopt and maintain local, regional, state and national cooperation which will result in a positive influence on public policy and optimize the management of county resources; to provide valuable education and support services that will maximize efficiency and foster public trust in county government

RESOURCES

- Forum for Collaboration
- Education
 - Annual Conference
 - Workshops & New Commissioner Training
 - Website (www.nvnaco.org)
- Advocacy

BUILDING CAPACITY – PLANNING FOR THE FUTURE

- Your State Association Staff
- Statewide Government Affairs Presence
- NACO Public Health Coordinator
- NACO Natural Resources Manager

ADVOCACY & SUPPORT

NV Legislature – Including Interim Activities

Federal Issues – *NACo Conferences; Natural Resources/Public Lands*

Statewide Issues

2021 LEGISLATIVE SESSION

NACO Bills that Passed

State Budget: China Spring Working Group

Bills that Passed that Will Impact Counties

2023 LEGISLATIVE SESSION

- Preview of Upcoming Session
- Planning Activities Underway – NACO BDR's Due: September 1, 2022
- NACO Legislative Committee
- Fiscal Notes

NATIONAL ASSOCIATION OF
COUNTIES (NACo)

- Board of Directors
 - **Commissioner Kirkpatrick**, Clark County
 - **Commissioner Higbee**, Lincoln County
- National Policy Steering Committees
- Western Interstate Region

NATIONAL ASSOCIATION OF
COUNTIES (NACo)

Resources for Nevada Counties

Resources for Your Community

NACo Discount Prescription Drug Card

Live Healthy Rx Program

NACo/Nationwide Partnership for Retirement Services

UPCOMING NACO EVENTS

NACO Annual Conference

Storey County, Host

*September 27-29, 2022, Pipers Opera House –
Historic Virginia City*

CONTACT US

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Jacob Brinkerhoff, Natural Resources Manager

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Taylor Allison, Public Health Coordinator

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Chairman Olsen asked if there was any public comment but there was none. He said I want to thank you for coming here today. This is a really valuable organization. Everybody that is involved there is really busy but everybody tries to make time for you because we have discovered the value of working together as, at times, it is us against them, the state government versus the local government. NACO is a great advocate for us and it is a clearinghouse for all of us to get together and talk. We get a lot of cross talk there about what is going on in the other counties. Indigent Defense has been kind a moving target for the last few years and it has been valuable having NACO there and the counties collaborating on our position and how we view how it should be provided. Executive Director Guthreau said we really appreciate all of our commissioners in the state and all of our board members. NACO is a valuable resource and a way to get information out there and how we can try to understand. I would like to change the 'us versus them' thing to a partnership on those things. That is what we are working towards. It is a great way to learn and help others, too. This item was presented for informational purposes only and no action was taken.

C- Consideration and possible action re: Application for funding in the amount of \$2,500 from the Veterans Independence Foundation to support the Blue Skies Veterans Benefit event at the Churchill County Fairgrounds on September 24, 2022.

The Veterans Independence Foundation is a non-profit organization registered with the State of Nevada and has 501(C)(3) status, as well as a Churchill County Business License. The foundation is comprised of all volunteers, including its Board of Directors and partners with local veteran service organizations (American Legion, VFW, and other VSOs) when conducting meetings and interviews with veterans requesting service. Any funds raised by the Veterans Independence Foundation in a specific area stay in the area to help local veterans.

The Veterans Independence Foundation is holding the Blue Skies Veterans Benefit event on September 24, 2022 at the Churchill County Fairgrounds. They have included maps and a site plan for their event, which is a family-friendly event featuring music by Night Ranger, several comedian performances, vendors, food, bouncy houses, backstage hayrides, obstacle courses, and more. Within their Application packet they also included their budget, event advertisements, and a letter of recommendation for their event and comedy show. The Veterans Independence Foundation looks forward to hosting the Blue Skies Veterans Benefit event in Churchill County. This is the first request they have sought from the county. All materials provided as attachments to their application are included with this report.

FISCAL IMPACT: FY23: \$2,500 +/-.

EXPLANATION OF IMPACT: Should the board determine to grant funds, the Miscellaneous Grants line item of the Community Support Budget was funded with \$22,000 for FY23 and no funds have been expended as of the date of this appointment.

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

ACTION REQUESTED: Accept

Neil Blitstein, Founder of the Veterans Independence Foundation, said this is a non-profit that helps struggling veterans. They don't have to be disabled but just have to have a need. Currently, there are 3,100 veterans or so, living in Churchill County. That is who we serve. Every single one of those veterans are eligible for services from many of our programs. The event will use the entire fairgrounds. We have divided the event into 2 locations to control the crowd and make sure the entertainment is age appropriate. The Patriot area is an all-family area. The Kidzone is in there and all food vendors also. That area will be from 11:00 AM to 8:00 PM. The Hero stage area is from 5:00 PM to 11:00 PM. This is where Night Ranger will be and where the comedians will be. All the material is age appropriate but we kind of figured most people don't want to party with a 6-year-old, so that is the area that is more for adults. We have a VIP area and KOZZ will be broadcasting live and that is where they will be located. The maps show how everything will be set up. We will have bounce houses in the Kidzone. If anyone wants to volunteer to be in the dunk tank, I will not say no. We will post our emergency evacuation plan around 4 different locations and we will have security. The grant money that we are requesting will be used to fund the Kidzone area. That will cost about \$4,000 so it will be applied to that. We are trying to keep this as family friendly as possible.

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

said I went to see Night Ranger in the mid 80's and I am all in. Neil Blitstein said would you like a couple of tickets? Commissioner Koenig said, like I said, I am all in.

Neil Blitstein said I was injured in Iraq after my 8th tour, basically. When I got out, there were not any services that were available to me because I didn't have a disability rating but I couldn't walk. My wife and I decided that, once we got back on our feet, we had to do something for other veterans that were in the same boat. There are tons of organizations out there but 99% of them require some kind of a disability rating. We don't have that requirement. You don't have to have a disability for services. You just have to have an honorable discharge and have a need for assistance. Our mission is to help that veteran so they don't end up homeless and going bankrupt and losing things.

What I needed was a washing machine and a water heater when those broke in the same month. I was literally living on food stamps. I had family that was able to help me and were able to get me both of those. That is when I realized there are a lot of veterans that don't have family to help them with that stuff. That is where we come in because we don't want them to get stuck behind the 8 ball, so that is why we started this. Victoria Crystal said that is why I became part of the foundation. If a veteran needs help, I can meet them at the store. Neil Blitstein said anything pretty much under \$600 would be paid to the service provider. If they need new tires for a vehicle they don't use for work, then you don't need new tires. If you do, we will pay the tire company directly. That way there is no confusion on how much we give a veteran or what they did with the money. The money stays in Churchill County. Commissioner Koenig said it sounds like you are providing a good service.

Commissioner Gregory Koenig made a motion to approve the funding request from the Veterans Independence Foundation to host the Blue Skies Veterans Benefit event in the amount of \$2,500. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Acceptance of three offers to dedicate off-site road improvements made by Jess and Vicki Reid for Sand Canyon Road, Cow Canyon Road, and Smokin Bull Drive in support of their development along Lone Tree Road.

This item was tabled at the June 15, 2022 Board of County Commissioners meeting due to a question about roads in NAS Fallon's plan. A copy of the Navy's map relating to Sand Canyon Road is included with the packet.

This agenda item deals with the difference between when developments construct on-site improvements and off-site improvements. In the course of developing land, large projects commonly build on-site infrastructure. But sometimes that infrastructure must extend outside the boundaries of the development. These are called off-site improvements. They could include sewer and water lines, water storage tanks, roads, or other facilities. The land division maps themselves can offer on-site improvements, and the County's signature on the map will accept or reject those improvements. But the offer and acceptance of off-site improvements must be handled in a different process.

This issue comes into play in the case of Jess and Vicki Reid's development on Lone Tree Road. On May 5, 2022, the Board of County Commissioners approved a Performance Agreement and bond to

defer paving of the roads in the development, which allows the Reid's to record the development maps and pave the roads later. In the course of recording the lots, the on-site easement lands and the improvements for the three roads in question were offered for dedication to the County, and the County accepted the offer. But this only affects land and improvements within the boundaries of the Reid's' ownership. Off-site road improvements necessary to serve the development have been or will be constructed (including the future paving) within existing road easements on adjacent lands. These also need to be offered and accepted.

The Reid's have signed 3 Irrevocable Offers of Dedication for the segments of road improvements they built and paid for on those adjacent lands – one for each road segment. To accept the offer, the BOCC Chair would sign the documents and have them recorded.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Chris Spross said this item was in front of you at the last meeting. It was tabled to resolve some issues. We are requesting that the Commission sign the Letters of Dedication. Part of the project falls outside of the maps that are being recorded, so all the dedication within those maps are dedicated as part of the recordation process. These are improvements that are made outside of those maps and that is why we need these letters.

At the last meeting, there was a concern that when the bombing range is closed, there is going to be a gate placed on Sand Canyon Road and it might cut off access to this property. We were fortunate enough to have Jeremy Drew here and we went through some maps and I included, in your packet, where it shows the location of where that gate is, which is about a quarter of a mile away from Lone Tree Road. The gate will be placed where the property line for the bombing range is, so that keeps this portion of Sand Canyon Road open to this development.

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

Commissioner Justin Heath made a motion to accept the three offers to dedicate road improvements for Sand Canyon Road, Cow Canyon Road, and Smokin Bull Drive submitted by Jess and Vicki Reid, and to authorize the Chair to sign the Irrevocable Offers of Dedication for each road. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: A Zone Change Application filed by Churchill County to request a change of zoning for property located on Coleman Road, Assessor's Parcel Numbers 008-301-11 and 008-301-12, consisting of 5.20 acres and 26.21 acres respectively, in the E-1 and R-1 zoning districts respectively, whereby the Applicant requests a zone change to R-3 on both parcels.

The Applicant is requesting to change the zoning on 2 parcels from single family zoning districts (E-1 and R-1) to a multi-family zoning district (R-3). The two parcels have different zoning and land use and adjacent zoning. For ease of reference, the Application refers to them as the “small”

parcel and “large” parcel.

The existing zoning and land uses of the neighborhood along Coleman Road are mixed.

- The small parcel and land to the west (north of Coleman Rd.) are zoned E-1 – extending to the Onda Verde development. The parcel and land to the west are generally large lot residential uses on 3 acres or less, with small lots further westward.
- The large parcel and immediately adjacent parcels to the east are zoned R-1, with E-1 zoning beyond. The parcel is used for agriculture, and nearby lots are a mixture of large and small lots with residential and agricultural uses.
- The north side of both parcels is bordered by the Carson River and a major TCID canal (and diversion dam), with E-1 zoning beyond. The land north of the canal or river are large lots, with residential uses or vacant river bottom. To the NE and NW are very large agricultural parcels, with the NE parcel being approved for urban development using a Planned Unit Development.
- The south side of both parcels is bordered by Coleman Road and a major TCID canal, with R-2 (multi-family) zoning beyond. The land is a mix of small residential lots and larger residential lots that may include agriculture.
- Bordering the SE corner of the large parcel is the Fallon city limits, with Fallon R-2 zoning, though the land is vacant and unused.

The proposed zoning district of R-3 is a new zoning district that would equate to the old R-2 zone, though the R-2 previously had no limit. With the creation of the R-3 zone, an upper limit of 16 dwelling units per acre was established. The previous R-2 zone was changed at the same time to place a 10 dwelling units per acre limit on it and limit construction to 4-plexes. The existing zoning of E-1 allows 2 dwelling units per acre and the R-1 allows 5 dwelling units per acre. (Note that a Planned Unit Development can change densities and allowed uses.)

The proposed R-3 zoning is a significant increase in density for the site but it is also adjacent (on the south side) to R-2 zoning that previously had no density limit (now having a limit of 10 DU/ac.). At the SE corner, the site is adjacent to the Fallon R-2 zoning, which allows urban densities of up to about 20 DU/ac. using 4-plexes.

The county’s purpose for the property for several years has been for apartment development to help alleviate the current housing crisis. The property recently went under contract for sale to an apartment developer, who plans to build an apartment complex over the next year or so.

A copy of the Planning Staff Report with a review of the criteria for approval is attached with the packet. At a public hearing, the Planning Commission recommended approval of the request. An excerpt from the Planning Commission Minutes is attached with the packet. The primary concern at the public hearing was increased traffic related impacts on Coleman Road.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Spross made the presentation as outlined in the Agenda Report.

County Manager Jim Barbee said this falls in the area that has been identified through the Master Plan where we want to see development and growth within our community, basically to the northwest of the Fallon area. In 2019, we had a housing study that stated a major lack of multi-family apartments, including the imbalance of those units compared to other residential types. Home affordability is directly related to the lack of housing. Some of the things that are driving the current shortage of housing in the community are the expanding operations of NAS Fallon, which is bringing in additional contract positions anywhere from 1,300 or more positions that are coming in. Additionally, the expanding of businesses in the county, specifically as we get towards the border area next to Fernley. We are seeing a lot of activity out there with more activity that seems to be under way and going to be proposed through Special Use Permits and such before the Planning Commission. A lot of this is connected to the Tahoe Regional Industrial Center. There is no more property available there, so that is why we are seeing a lot of these activities moving into Fernley and, of course, heading our direction.



In terms of the requirements to the zoning change, substantial conformance with the Master Plan is our first section that we identified. This section of the county is already designated, as stated by the Master Plan, for urbanizing, which encourages high density multi-family land use that connect to the county water and sewer systems. When we have a multi-family house or property, it has less of a water commitment, so that is less of the acre feet of water that we have that is in our limited resources in our community going to a greater impact in terms of addressing the housing needs that we have in the community and that is roughly by half. For a single-family home, there is 1.28 acre-feet of water use and half of that for multi-family housing. Higher density housing, again, use the

water and the sewer components and, as you look at the map, you will see that there are no impacts on neighboring properties that are on private wells, because, again, this will be connected to the existing water system that we have just the other side of Hwy 50 down south of Casey Road. This goes on to existing infrastructure, both water and wastewater. Specifically, to that, there is infrastructure, currently, within that area that is connected to the Onda Verde development that, basically, is being built out as we speak. There are a few remaining spots there but they are limited by the flood plain, which is being evaluated currently. They should be opened up within the next 12 months and that construction will then be complete in Onda Verde in a short matter of time. That's where the connection for this proposed multi-family housing would come from and there is sufficient water within the system to meet the requirements of the existing proposed number of units that would be located there if we were able to do the zoning change on the preliminary draft of the map.

Traffic studies are an important component and I am sure would be brought up so, we wanted to address that. This is just specifically a rezoning for the use of the property. Those details will be addressed as they are brought forward in an actual proposal for the final Planned Unit Development project brought forward to the Planning Commission. Then, you would identify, at that point, someone that would actually, professionally, do a traffic study and we would address those issues through that, so again, this is simply a rezoning of that property. This is not approving a specific area. Surrounding areas largely planned for urban-like development, if you look again at the map and see that approximately 1/4 of a mile to the west of the high-density single-family home's subdivision, the Onda Verde, approximately 100 yards to the east is the border of the City of Fallon. Single family housing development is being constructed nearby within about 390 yards across the V-line across Coleman Road and that is being, I drove through there last week and it is very close to being completely built out, as we speak. A large single family housing development is proposed in the northeast of the parcels where the developer has received tentative approval to construct 618 homes, which is directly due north and across the river. The property directly across Coleman Road, again, is already zoned to the south R-2. The R-3 is not much higher than an R-2, so that kind of gives the rationale of the rezoning and why we would be bringing this ask to you.

Cindy Kent-Dillon said I live right across the canal from the proposed zoning change. My husband and I own the property. We own about 40 acres and I am not sure if you can see it on the map but if you look just above, you will see there is kind of a wooded area. It is not completely visible on this map. Next to us is Dan McDougal and he owns a cattle ranch and provides grass-fed beef to the community. We have cows, horses, goats and chickens. Next to us is the Venturacci property. We have a home there that we built in 2006 and, in order to develop the property, we ended up having to sue the Venturaccis and the BOR to get access because the Venturaccis told us it was actually landlocked. They told us in 2000 that they were going to develop the property and we would get access through that if we just waited. That was when they were developing some of the other property off of Venturacci Lane. As you know, that never happened because I guess there was not the demand. I talk to them on a frequent basis and they have had the property for sale for a while and it has gone out of escrow twice, so I don't really know if it is actually something that is going to be developed right away because there are actually a lot of wetlands on the property so it is not as desirable to developers. I just want to say thank you to all of you. I know that you volunteer your time and I really appreciate it. I, too, am a public servant. I work for the school district and I think

that the reason we all live in Fallon is because the quality of life is really important to us and that is one of the reasons I live in that area. I believe that it is really important to raise livestock and have food available to people in the area. We have eggs that we provide to different families. It is mostly farmland out there. There is actually a lot of wildlife. We have had the duck's association come out and they have duck nests in that area. We have students come out of Reno and take a look every year. They bring classes out. It is basically farmland. When we lived on Wildes Road where all the Navy people drive out to the base and I wanted to mention that this morning when I was out there, I went to the bank and there was actually an accident and that is something that happened to us when we lived on Wildes Road. We called 911 every week or every other week because of the canal. People would just not really understand how to drive out there. In our particular area, as you can see, there is a dam and a canal out by our property, which is kind of unusual for someone to want to develop in an area where there is a lot of water. Us 3 ranchers out there have gone to the Sheriff's Department because we had a lot of trespassers shooting and hunting. That is only going to increase and I did want to say that I realize that these individuals have spent a lot of time on this and I just want to encourage the Commissioners to take their time. The development affects everybody, like the longtime residents and future residents. If you just drive down that road you will see there are no areas for walking. In other apartment complexes, there is a lot of walking traffic and I believe that there are other areas of the community that would be better suited for this type of development. I actually, coincidentally, have some other property. I don't have it for sale but I have some property over next to the hospital. I have 14 acres that is water righted that I would be willing to work with the county in regards to developing that although I hadn't really planned on that but it is much better suited because it is near the hospital between 2 schools. Also, they are putting in all those new sidewalks. I just think that it is really important for us to really prioritize the quality of life here and to take the developments slow. I think that we are all kind of overwhelmed with the Onda Verde, in addition to the apartments they are doing. Not only for the density but also the quality of the housing. I think that we have to, as a community, really think about people who are living in those homes and what type of quality construction that we are looking at to make sure that everybody has, you know, good energy efficient homes.

Chairman Olsen asked if there was any public comment but there was none. County Manager Barbee said, just as a point of clarity, just off of the property line is the Coleman Dam, which is part of a Planned Unit Development that we reference like, roughly, 619 single family homes that are already existing on the books, just for clarity. Commissioner Koenig said we need to understand we are just approving a zone change for that and then they are going to come back with an actual plan. When we look at that plan, that is when we look at the specifics to make sure that it has sidewalks and has all the specifics. I am concerned about the traffic because Coleman is pretty narrow. Let's bring in an outside person and they will give us an unbiased opinion and we can look at that study once we have a specific plan. I am in favor of going forward and letting them come back with a plan and then we would either approve it or not, but let's see what they have.

Chairman Olsen said I have listened to a lot of folks talk about a quality of life on this and the Birch Lane property, as well, and we have to balance the quality of life of the existing residents with the quality of life of people that live here but can't find housing and are living in substandard housing or housing that they would not live in otherwise but can't find anything else, or they work here but don't live here because there is no place to rent. Ask anybody that has tried to find a rental and you

will find out that they have a lot of difficulty finding a place and/or if they find a place that they like, they are going to pay a considerable amount of money. We know that 22% of the people that work at the base don't live here. Some of that is not by choice. They would rather live here but they can't find anyplace. We have to balance those 2 things. Churchill County took the idea of pushing growth to the northwest. This is not new. It has been in our plan for over 20 years. There is a huge development that has been on the books for over 10 years of over 600 houses just adjacent to your property. The only thing that has not moved that forward is access and some of it is people are looking for the right timing. That is what stalled Venturacci's development, as well. It has not stopped the pressure on housing. It has only gotten worse since that started. We have taken a balanced approach trying to find that balance to keep our lifestyle. Some people will be impacted, there is no doubt about that. We also have people that live here that would like better housing and they can't find it. We have been moving forward with this now for a couple years and I still support it. I agree with Greg about the impacts from traffic. That has to be addressed. That really is not, I am not a traffic engineer but it does not look to me like it is adequate. It is going to have to be changed. We will make sure that we take care of all those things. That has been one of our concerns all along. As we build out the community, we want to do it right.

Commissioner Justin Heath made a motion to approve the request for a Zoning Map Amendment by Churchill County to change the zoning on Assessor's Parcel Numbers 008-301-11 and 008-301-12 to R-3. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Nuisance Complaint:

9:00 AM A- Consideration and possible action re: Nuisance Complaint by Billie Graves against John and Beth Riley related to cotton from a tree on their property located at 2979 Woodlands Place, Fallon, Nevada, APN: 006-741-26 and adoption of Resolution 16-2022 declaring whether there is or is not a nuisance associated with this property.

On May 27, 2022, a Nuisance Complaint was filed by Billie Graves against John and Beth Riley related to issues caused from cotton falling from a tree on their property at 2979 Woodlands Place, Fallon, Nevada, APN: 006-741-26. Ms. Graves alleges that the cotton kills her garden, plugs up her cooling unit for the house, fills the chicken and dog watering dish, and gets in her pool, causing her to have to use a shop vac outside and which prevents her from enjoying her outdoors.

Churchill County Code 8.12.040 states: (A) The Board of County Commissioners shall proceed to hear the complaint and any opponents and may consider the findings presented by the authorized official. At the hearing, the board shall receive the proofs offered to establish or controvert the facts set forth in the complaint. The board may adjourn the hearing from time to time, not exceeding fourteen (14) days in all. (B) On the final hearing of the complaint, the board shall by resolution entered into the Minutes, determine whether or not a nuisance exists and, if one does exist, order the person or persons responsible for such nuisance to abate the same.

Churchill County Code 8.12.050 ABATEMENT OF NUISANCE: The person or persons responsible for the nuisance shall enter into abatement plan with the County Commissioners or their designated representative within fifteen (15) days after the Board of County Commissioners renders its decision. The abatement plan shall be commenced within thirty (30) days after the board renders its decision and shall be completed at such time as the Board of County Commissioners, or its

representative, has set forth in the abatement plan.

Churchill County Code 8.12.060 ABATEMENT BY THE COUNTY: If the order is not obeyed and the person(s) responsible for the nuisance fails or neglects to remove the nuisance within the time limit specified in section 8.12.050 of this chapter, the Board of County Commissioners may:

A. Order that the cost of abating the nuisance be a personal obligation of the property owner(s), and shall direct the District Attorney to collect the costs of abating the nuisance and interest thereon by use of all appropriate remedies.

B. Order that the cost of abating the nuisance be assessed against the property, and shall confirm the assessment and have it filed with the County Recorder. Thereafter, the assessment shall constitute a lien upon the property.

An Investigation Report prepared by Loreli LeBaron, Churchill County Code Compliance Official, noted that an onsite inspection did show cotton coming from a cottonwood tree at 2979 Woodlands Place that floated onto the grounds of this address and neighboring properties. During her research she noted that the United States Department of Agriculture (USDA) recommends spraying these trees annually with an ethephon-based herbicide treatment that can reduce the amount of seeding and fluff. Loreli LeBaron noted that the Fire Marshal, Mitch Young, inspected the properties and stated that the cottonwood at 2979 Woodlands Place does not constitute a fire hazard. A copy of the report and PowerPoint presentation are attached.

FISCAL IMPACT: \$206.46 - Representing: \$175.00 for the legal notice publication; \$16.09 for certified mail postage; and \$15.37 for regular postage.

EXPLANATION OF IMPACT: Costs are incurred for the publication of the legal notice and the postage for notification letters.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

A RESOLUTION FINDING THAT THE CONDITIONS FOUND AT 2979 WOODLANDS PLACE (APN 006-741-26), CHURCHILL COUNTY, NEVADA, DO NOT CONSTITUTE A NUISANCE.

Deputy District Attorney Joseph Sanford said usually, we will have a presentation by the complainant to identify what their complaint is. We can have the Planning Department talk about their findings and then, after both parties have given their side, the board will have a chance to review all of the evidence and seek public comment and then make a decision.

Chairman Olsen said, at this time, I would like anyone who wants to give testimony to come forward and take an oath.

The oath was administered to: Billie Graves, Loreli LeBaron, John Riley, and Beth Riley.

Loreli LeBaron, Code Compliance Officer, said I conducted the investigation and according to the NRS 40.140.1(a) Nuisance is defined

“Except as otherwise provided in this section: (a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.”

According to Ms. Graves, the amount of cotton being shed from the cottonwood tree is killing her garden, plugs up the house cooling unit, covers the pool, and infiltrates the chicken feed, dog food, and water. Ms. Graves is requesting the cottonwood tree be cut back to reduce the amount of cotton or removed. There is no record of code compliance involvement prior to this nuisance complaint. Ms. Graves states she mailed a letter to the Rileys and did not receive a response from her neighbor prior to filing a public nuisance complaint.

I conducted a site inspection on June 1, 2022, at 10:50 AM. The cottonwood tree is large and easily visible from street view. I made contact with an occupant who granted permission to enter the backyard premises and take photographic and video evidence. Noticeably, cotton floated off the tree onto the ground and the grounds of neighboring properties. According to the United States Department of Agriculture (USDA), cottonwood trees grow approximately 3 feet every year. Depending on the species of the cottonwood tree, most can live up to 150 years. Cottonwood trees are large deciduous trees that grow between 50 feet and 80 feet tall. Their branches are known to spread up to 113 feet. Female Cottonwood trees shed in the spring and abundantly so during the months of June and July, to the extent of turning nearby lawns white. The cottonwood seed can travel a great distance, especially on windy days. The fluffy fibers of the seed can accumulate in yards, enter homes, block drains and gutters, and clog up filters. Thereby, creating a nuisance for some people. Some governments have an ordinance against female cottonwood trees because the windblown cotton could be construed as a nuisance. This is determined by each individual jurisdiction. Cottonwood seeds and the white fluff may be controlled by spraying the tree leaves with a fruit eliminator. Administering annual ethephon-based herbicide treatment can reduce the amount of seeding and fluff. Freemont Cottonwood Trees are indigenous to Nevada including Churchill County. Ms. Billie Graves stated that she would prefer that the tree not be removed but that something could be done to prevent the amount of cotton that comes from the tree. Some cottonwood trees are unable to reproduce and others actually seed such as the one on this property.

Billie Graves said I don't want them to cut it down because it is a beautiful tree. If there could be something done to reduce the amount of cotton. I know we get cotton because we live in Nevada but there is just such a massive amount of cotton coming from their tree that, for the last 3 years, I have to actually use a shop vac because it clogs up my central air unit. The shop vac won't suck it out so I have to get something and pull it out of each little thing. I know it is a short time that it happens but, for that short time, there is so much other stuff I am supposed to be doing and need to do on my property and you can't be outside because it is like a snowstorm. I just want to have it so that there is not so much. It smothers my plants and then, when I water, the weight of the cotton kills my garden and kills my outdoor plants and flowers. It gets in the dog dish and chicken thing. They all walk around coughing it up. It is just a lot of cotton.

Chairman Olsen asked if there was any public comment. John Riley said I am not going to argue about the tree. The tree is there and it is our tree. It is a beautiful healthy tree. It has been there for about 40 years, from what I can say. I have owned that house since 2005 and it was big then, so I am

sure it has been there a long time. Just turning onto Drumm Lane, you can see there are cottonwood trees everywhere. In fact, I couldn't count them because there were so many. There are hundreds just in that general neighborhood. I am sure there are thousands of them in the valley and it is one of them and it is ours. We do pay, every week, somebody to come out and mow the yard. The house is rented by the state. It is assisted living for special needs people. In one of my pictures, you can see the picnic table that they use to enjoy the shade from that tree and I am not willing to cut it down. If she wants to have the tree sprayed to eliminate some of the cotton, I am absolutely agreeable to do that if she pays for it. Other than that, I think she has to prove that the cotton in her yard is mostly from my tree. That is going to be impossible with thousands of trees in that area. The fluff from a cottonwood tree can travel in excess of 5 miles. My house on Santa Fe is about 5 miles away. That 5-mile radius would be out to Depp Road, the airport and all the way out to Big R. I would say any tree within there could be causing just as much problem as my tree. In fact, eliminating my tree, even cutting it down would not change the results in her yard probably much at all.

Beth Riley said, when we did live there, I had a beautiful garden and it would not obstruct anything. Other residents in Churchill County use screens around their cooling systems that they can easily remove the fluff. It is not unusual in Churchill County to have the cotton blowing in June and July. We also had chickens and a dog and we did not have any issues at the time. John Riley said when we bought that house, it had over 20 trees on it and we are down to like 4 or 5, something like that. I think there are only 3-4 cottonwood trees on it. The mid-size ones are the ones that were cut down and are all starting to grow back.

Billie Graves said I have a video of all of it coming off of their tree. Where their picnic table is, the wind blows the other direction so it comes right into my yard, not theirs.

Chairman Olsen said John made the offer that, if you want to pay to have that sprayed, he is willing to allow that. Is that an option? Billie Graves said I am low income. I just got the property. My mother just passed a couple of years ago. I don't know how much it is to have it sprayed or if they would take payments but I don't have the money to just have someone come spray it. Chairman Olsen said, Loreli, did you happen to ask how much that costs? Loreli LeBaron said I did do some research. I went to the cooperative extension and the information they provided me is that they do not offer that service but there are individuals in the community that do use herbicide on the trees to stop the female trees from seeding. The average cost on the internet varies. It was listed for areas like Reno and major cities and states that have issues. The average prices ranged from \$80-300, depending on the type of herbicide used. If it would be okay, I would like to offer the comment that yes, they do tend to bloom and seed in June and July in our area. When I did go out to the site, I did notice that there were several cottonwood trees in the area. I did drive around to see if any were seeding within a half block or so and I did see one other seeding but it was down towards the north of the property. The trees that I observed were not seeding. I am assuming they were seedless females or male trees.

Deputy District Attorney Joseph Sanford said the statutes can be very broad and hard to understand. In this case according to the NRS 40.140.1(a) Nuisance defined is "Except as otherwise provided in this section: (a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or

property.” There is some Nevada case law on that that maybe describes that a little more clearly. For the Commission, an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property must be substantial and unreasonable. It defines substantial as a normal persons living in the community regard the alleged nuisance as definitively offensive, seriously annoying or intolerable, and that it is unreasonable when the gravity of the harm outweighs the social value of the activity, so in this case it would be the social value of having these types of trees is outweighed by the production of cotton.

Chairman Olsen said I think we are at the point where we are going to discuss this. I see there is a lady that would like to speak but she did not take the oath. I can't take it because you did not take the oath. I asked for anybody that wanted to testify to take the oath before and come up and take it. We will deliberate at this time.

Commissioner Koenig said this is just like opening Pandora's Box. If we say your tree is bad enough, how do we know any other tree in the valley is bad enough. We will be spending all of our time discussing specific trees on whether how much cotton is too much cotton and I don't want to spend my time as a commissioner playing cottonwood police.

Commissioner Heath said cottonwood trees don't always seed the same every year, right? This year may be bad but next year may not be that bad at all. I think some of these trees that don't seed right now can seed 20 years down the road because they are not always seedless. They can start doing it. Greg is right, it can create a lot of issues coming around if we do this. One year it could be this tree and the next year is a different tree. We will have a big problem with this if we rule that it is a nuisance. I hate these trees but they are everywhere. I have had to deal with it for many years but we are only talking about a 1 month time frame where they seed and it blows away and then we kind of move on with our lives and be happy, at that point, but it is a Pandora's Box if we rule it is a nuisance on this.

Chairman Olsen said I want to go back to something that Joe said when framed in the law. Is the harm so injurious that it outweighs the value of the tree. Shade is so valuable in this valley and anybody that has been here, we have a little graveyard of dead trees that we have on our property and you know, the ones that we have we really enjoy and like them on the property. I was sitting on my back patio last night and there is not a cottonwood tree within 100 yards of our property and here is the cotton flying and it is part of living in Fallon. Cottonwood trees are ubiquitous. I know you are pretty reasonable about it, Ms. Graves, and we understand that part. I would encourage you, since the people you are complaining against are willing to let you pay for that if it is so bad. I think that is a reasonable thing to have done, otherwise I am not willing to find that there is a nuisance in regards to this. It is a slippery slope. If we start this, we will be sitting here trying to determine everybody's property. It is around, it is ubiquitous, it is everywhere, and we don't want to go cutting our trees down either. Ms. Graves said yes. Chairman Olsen said we are done taking testimony, so now, we do the talking.

Commissioner Greg Koenig made a motion to adopt Resolution 16-2022, a Resolution finding that a nuisance does not exist related to cotton from a tree at 2979 Woodlands Place, Fallon,

NV, APN: 006-741-26. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Letters Received:

A- Bureau of Land Management's notification of its public consultation for Diamond Springs Allotment change in season of use.

The Diamond Springs Allotment is located at the northern end of the Diamond Mountain Range and encompasses the foothills west of the Diamond Range and nearly half of Diamond Valley. The allotment is in Eureka County, Nevada and is approximately 25 miles north of Eureka, NV. There are 72,271 acres administered by the BLM in the Diamond Springs Allotment. Dan & Steven Venturacci are the only permitted grazing operators on this allotment.

The Diamond Springs Allotment contains Greater Sage-Grouse General Habitat Management area (GHMA), and Other Habitat Management Area (OHMA) but the allotment does not contain any Priority Habitat Management Area (PHMA). The Diamond Springs Allotment contains the northern portion of the Diamond Herd Management Area, which overlaps all pastures.

In May 2022, the MLFO was notified by Dan Venturacci that drought conditions were being experienced throughout the pastures that Mr. Venturacci operates. Mr. Venturacci brought to the BLM's attention that the allotment faced persistent drought conditions. The current grazing rotation only allows livestock to target cheatgrass in one pasture during the spring, which puts more pressure on native bunch grasses, particularly during a prolonged drought.

According to the U.S. Drought Monitor, 100% of the State of Nevada is experiencing severe drought or worse, with the southern end of Eureka County experiencing Extreme Drought (See map below). Also, according to the U.S. Drought Monitor, Lander and Eureka Counties experienced extreme and exceptional drought conditions throughout most of the summer last year.

This letter serves as the opportunity for the interested public, partners, and state, local, and tribal governments to provide comments on proposed drought response actions that will be implemented within the Diamond Springs Allotment. Please submit any comments in writing to the above address by June 30, 2022 (14 days from the date posted on this letter). If you have any questions, please contact Rhett Anderson, Rangeland Management Specialist at (775) 635-4193 or email rmanderson@blm.gov.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Bureau of Land Management's Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Legacy Racing, LLC Baja Special Recreation Permit.

The Bureau of Land Management (BLM), Carson City District, Stillwater Field Office (SFO), and the Battle Mountain District, Tonopah Field Office (TFO), have completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for Legacy Racing, LLC's Baja Special Recreation Permit. This event is in compliance with the BLM's mission to provide multiple

uses of public lands under the 1976 Federal Land Policy and Management Act.

This EA analyzed the proposal by Legacy Racing, LLC and the potential impacts of the Proposed Action and the No Action Alternative. The Proposed Action is for a vehicle event race, which would occur on the SFO and TFO BLM lands. The proposed Baja Race event took place June 22-25, 2022, with BLM activities on June 24. The race will be a 650-mile point-to-point competitive race, with approximately 452 miles within the SFO boundaries and 184 miles within the TFO boundaries. The event will have approximately 50-350 participants/vehicles. The EA includes site specific analysis of pit-stop locations, with all but one identified pit located on BLM-managed lands. The event will include utility-terrain vehicles, all-terrain vehicles, motorbikes, cars, and trucks.

Comments on the EA were accepted during the public comment period, from May 2, 2022 through June 1, 2022. Public comments received during the 30-day public review were considered in preparation of this EA and signed FONSI. A project map is provided and is available on-line at <https://go.usa.gov/xteRN>. For questions, contact Project Lead Paul Amar at 775-885-6000 or pamar@blm.gov.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Old Business:

A- Consideration and possible action re: Memorandum of Agreement with the State of Nevada, Department of Veterans Services, for use of office space in the Churchill County Annex Building.

The Nevada Department of Veterans Services (NDVS) has been utilizing office space within the Churchill County Annex Building for several years, providing valuable services and accessibility to our veterans. In 2016, the county formalized an Agreement with NDVS by executing a Memorandum of Agreement (MOA). The current MOA exercised its two-year extension and expired June 30, 2022. The new MOA is effective retroactively as of July 1, 2022 through June 30, 2024, which has an option for an additional two-year renewal to June 30, 2026. However, NDVS has been notified that over the course of this year, the county will be carefully evaluating its space needs as we prepare to stand-up the Central Nevada Regional Health District. In the event that the county is not able to provide office space for NDVS for the entire term of the MOA, there is a provision allowing for termination by either party with 90-days written notice.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: The county covers the cost of utilities for the entire Annex Building; the cost of utilities for operation of the NDVS office is minimal. NDVS and other tenants pay for their own telephone and internet needs.

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Barbee made this presentation as outlined above and recommended approval of the

MOA.

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

Commissioner Justin Heath made a motion to approve the Memorandum of Agreement with the State of Nevada, Department of Veterans Services, effective July 1, 2022, for use of office space in the Churchill County Annex Building and to authorize the County Manager to execute the Agreement. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Canvass of the Churchill County Recount of the Gubernatorial Race from the 2022 Official Primary Election held on June 14, 2022.

Pursuant to Nevada Revised Statutes 293.403, "1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county..."

A recount of the 2022 Primary Election Gubernatorial race was conducted by Churchill County on June 30, 2022, and the results were the same, as follows:

Candidates	2022 Primary Gubernatorial Count	2022 Primary Gubernatorial Recount
Gilbert, Joey	1,420	1,420
Lombardo, Joe	759	759

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Clerk/Treasurer Linda Rothery made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. He said great work, as always, by your office when it comes to elections.

Commissioner Gregory Koenig made a motion to accept the Canvass of the Votes of the recount of the Gubernatorial race from the 2022 Primary Election held on June 14, 2022 and directing the Clerk to enter the Abstract of the result and to complete a mechanized report of the Abstract in compliance with regulations adopted by the Secretary of State and to transmit such as required by statutes. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: Adoption of Resolution 17-2022, a resolution establishing the travel expenses and subsistence allowance for Churchill County effective July 1, 2022, noting the new mileage rate of 62.5 cents per mile.

In May 2002, the Board of County Commissioners approved Bill 2002-G, Ordinance 33, amending Title 2 regarding travel expenses and subsistence allowance. That change allows the board to change the allowances to match the standard rates in the Internal Revenue Service Publication 463, Travel, Entertainment, Gift and Car Expenses as published annually by Resolution. Provided to the board is the Resolution, which seeks to update the mileage rate to match the IRS notification for the period beginning July 1, 2022.

The mileage rate will be 62.5 cents per mile, up 2.0 cents from the current rate.

FISCAL IMPACT: The fiscal impact is undetermined because we do not know how many employees will be traveling but they will be paid in accordance with IRS Publication 453 and this Resolution.

EXPLANATION OF IMPACT: As employees travel, the rate must be paid in accordance with IRS Publication 463 and this Resolution.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Adopt

A RESOLUTION ESTABLISHING THE TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCE FOR CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

Comptroller Wideman 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 approve Resolution 17-2022 establishing the travel expenses and subsistence allowance for Churchill County effective July 1, 2022, noting the new mileage rate of 62.5 cents per mile. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

1:25 PM B- Consideration and possible action re: Approval of Resolution 18-2022 adopting and certifying Churchill County's Tax Rate for Fiscal Year 2022-2023.

At the Commissioners' meeting held on May 20, 2022, Comptroller Wideman presented the proposed FY22-23 Churchill County tax rate of \$1.2829 and the final budget. During the meeting, the final budget and tax rate were approved by the Board of County Commissioners. The overall Churchill County tax rate is \$2.8629 and the City of Fallon rate is \$3.6600.

Once the Nevada Tax Commission certifies the ad valorem rates, the board is required to certify the combined tax rate in a resolution pursuant to NRS 361.460. The letter from the Nevada Tax Commission is provided for the board's consideration.

FISCAL IMPACT: As budgeted.

EXPLANATION OF IMPACT: As budgeted.

FUNDING SOURCE: Churchill County Funds.

ACTION REQUESTED: Accept

A RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF NEVADA REVISED STATUTES CHAPTER 361.460 CERTIFYING THE COMBINED TAX RATE FOR THE LEVY OF TAXES BEGINNING JULY 1, 2022 AND SPECIFICALLY COMMITTING AND DESIGNATING THE NUMBER OF CENTS OF EACH ONE HUNDRED DOLLARS OF PROPERTY LEVY FOR EACH FUND, REMAINING UNTIL A SIMILAR BOARD ACTION IS TAKEN TO CHANGE THE COMMITMENT LEVELS AND OTHER MATTERS PROPERLY RELATING THERETO.

Comptroller Wideman 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 adopt Resolution 18-2022 certifying the combined tax rate for Fiscal Year beginning July 1, 2022 and ending June 30, 2023 as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Publication of Summary Fiscal Report as required by Nevada Administrative Code (NAC) 354.561.

Nevada Administrative Code 354.561 requires the publication of a summary fiscal report before July 1st of each year. The report is to show the total actual revenues and expenditures, the estimated current year revenues and expenditures, and the budgeted revenues and expenditures for the General Fund. In addition, the proprietary funds shall include total operating and non-operating revenues and expenses for the actual, estimated current year and budget year. Please refer to the report for more details. The report was published in the *Lahontan Valley News* on June 30, 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Comptroller Wideman 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 note in the Minutes that the report has been filed and published in the local newspaper in accordance with NAC 354.561. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: A Professional Services Contract with Sevon Consulting, LLC, on an as-needed hourly basis at the rate of \$75.00 per hour, for the provision of Professional Services acting as Churchill County's Appointed Counsel Program Coordinator to support its Indigent Defense Services Program, effective retroactively to July 1, 2022.

On June 15, 2022, the Board of County Commissioners took action to approve the Churchill County Indigent Defense Plan for 2022-2023 as required per NRS 260.010(7)(B) & NRS 260.070(2). The plan was developed in coordination with the Department of Indigent Defense Services and the Churchill County Public Defender. Both the accompanying agenda report from June 15, 2022 and the county's Indigent Defense Plan reference hiring or contracting with an individual to serve as the Appointed Counsel Program Coordinator. The County Manager is proposing and recommending a Contract with Sevon Consulting, LLC for a one-year period, commencing July 1, 2022 through June 30, 2023. The contractor will perform work as directed by the County Manager or his designee and shall report to the County Manager's Office. A detailed Scope of Work 'Exhibit A' is attached and made part of the proposed Contract.

FISCAL IMPACT: \$75.00 per hour.

EXPLANATION OF IMPACT: While the total cost for the fiscal year is unknown, the work performed by the contractor is at the direction of the County Manager. This is the first year of any Contract providing Appointed Counsel Program Coordination and, thus, it is expected that future Contracts will have more specific information on total cost or a "not to exceed" total. Furthermore, it is anticipated that more work will be required during this first year for training on the LegalServer case management software as required by DIDS, as well as assisting the county with a formal Contract for Appointed Conflict Counsel. It is also important to note that these Contract expenditures count toward the county's total Indigent Defense expenditures and, once our "annual base" amount is exceeded, the county qualifies for reimbursement from DIDS.

FUNDING SOURCE: Indigent Defense/Contracted Services: 100-248-52400.

ACTION REQUESTED: Accept

Julie Guerrero made this presentation as outlined above.

Chairman Olsen asked if there was any public comment but there was none. County Manager Jim Barbee said, in the process that we went through prior to Sue's retirement, we are talking the last 2 months, the clarity that she was able to bring with her background, understanding and experience with the county court system and translating that to Indigent Defense and the issues we have had there was just huge, I mean, we have not had that kind of clarity and understanding and really understanding which items fell into which columns, specifically, in this way at all, so I mean we are really excited by the opportunity and hope that you will give consideration to this contract because she moved us forward light years just over the last 2 months.

Commissioner Heath said so is this like only for when we can't use our Public Defenders? Julie Guerrero said no, not necessarily, and you are welcome to chime in but on the scope of work there is a number of things that we would be requesting of this position, in addition to what you just referenced. In the event that we do have a conflict, then Sevon Consulting would help get that conflict attorney set up to take the case. We are also requesting that this contractor work with the county to get this contract brought before you so that we can structure that contract for that conflict counsel but the contract would also have her not just assign conflict cases on a rotating basis among the Public Defense attorneys and contract attorneys, but also the monitoring and oversight for compliance with the DIDS reporting, filing those quarterly reports that I mentioned, helping with our annual plan and review any invoices that come through from the Department of Indigent Defense through their attorneys, so there are a number of different pieces that this contract would cover for us. Commissioner Heath said, for right now, per month, we don't know how many hours? Julie Guerrero said, right now, per month, I have been sort of trying to squeeze in some of this work and I can't really continue doing that on top of other things, as well as the fact that, it is not my expertise or background, so having, and I certainly don't have the time to get in depth on the plans and the quarterly reporting and things like that, so we really do need a person and that person has to be separated from the Public Defender's Office. That person cannot be within like Jacob's or Wright's Office, which is why we are seeking this contract with Sue is because she would be an outside person that can help collect all of that reporting from all of the individual attorneys and get that submitted for us.

Commissioner Koenig said, in the future, is that potentially someone that the county could employ versus the outside contract? Julie Guerrero said that is a possibility that the county could look into. Several of the other counties have chosen this route, which we are presenting to you today, which is by contracted services. There are certainly benefits to doing it that way. Obviously, not that we are trying to circumvent anything but we are not having to pay PERS or health benefits, things like that by just having it contracted out at an hourly rate and certainly somebody such as Sue who has so much experience and background and is well suited for these responsibilities. We feel that this is a very fiscally responsible way to approach this, especially for this first year while we can get this understanding of how much will be required from this position.

Commissioner Heath said there would not be a conflict because of working in the court system and then now this position? Deputy District Attorney Joseph Sanford said there is no conflict now since she retired. As for the question that can an employee do it, part of the reason it is done as a contract is it can't be someone in the D.A.'s Office, the Public Defender's Office, or someone from the court because they would all be conflicts. It has become difficult because all of the people who are familiar with it are conflicted. That is the reason we went with Sevon Consulting. There is nothing that would prevent a county employee doing it, they just can't be affiliated with any of those other organizations.

Sue Sevon said I want to make it clear that I don't want to turn this into a full-time job. I am hoping that it is only going to take 5-10 hours a week, initially, to get our hands around this and, once it is all set up and established and we have a better feel of how to do the compliance, I am hoping to let go of it over time. This was not my plan when I retired 2 weeks ago but there was a need here and it presented an opportunity with my background. I did court appointed and handled the vouchers for the county through the years. A lot of what I have done, and I have connections at the D.A.'s Office, the court, the County Manager, so I think that is going to be helpful once we get our hands around this. This is a new area for the county and for the Public Defenders. The County Manager did not expect to be in charge of Indigent Defense and it is an animal that they are not trained for. I think I can help with this and get you off on a good foot and then, once it evolves, then you guys can make further decisions as you need too.

Commissioner Koenig said I know Sue knows what she is doing, so I think we should do this for a year and then revisit this and see where we are at.

Commissioner Gregory Koenig made a motion to approve a Contract with Sevon Consulting, LLC, with an effective date of July 1, 2022, for the provision of Professional Services acting as Churchill County's Appointed Counsel Program Coordinator to support its Indigent Defense Services Program. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Approval to purchase corral panels to construct 200 livestock pens, to be placed on the county-owned Miners Road property, to facilitate and promote the Rafter 3C Complex for larger livestock and rodeo events, at a total cost of \$495,725.68.

The Rafter 3C complex is being promoted as the premier livestock event facility in Northern Nevada. To attract large scale rodeo events, the facility must be able to shelter livestock used in these events. The current complex has stalls available but they are located at the east end of the fairgrounds in the vicinity of the "Green Arena" and are of insufficient quantity to facilitate large events. By constructing these stall facilities at the Miners Road property, contestants and stock contractors can board their livestock closer to the Rafter 3C arena and use the remaining area for truck and trailer parking. The quality of the stalls will be such that it allows the county to attract larger, premier events. This is Phase I of the overall buildout of the Miners Road property, which is to include RV parking with water and electrical utilities serving the stalls and RV spaces. The approval is required so that the price and delivery can be secured for later this year.

FISCAL IMPACT: \$495,725.68.

EXPLANATION OF IMPACT: Revenue will be generated through stall rentals during livestock and rodeo events. Additionally, the attraction of large-scale events will contribute to county tax revenue.

FUNDING SOURCE: Building Reserve Fund.

ACTION REQUESTED: Accept

County Manager Jim Barbee made this presentation as outlined above. He added that these stalls are the same sort of stalls that you see at the Reno Livestock Events Center or at the Southpoint facility in Las Vegas. They are box stalls with a poly material that is at the bottom of a PVC type material that can be sanitized and washed and then the upper portion of the stall is like a traditional horse stall and then they would be placed under a structure that you would see at a dairy facility throughout the valley. An old pipe structure with a solid top. We would have to have a water hose bib and/or a hydrant, as well as power for the lighting in the barn and power for people to utilize within the confines of those buildings. That is actually non-potable water that we are proposing which would come from the well that you guys have already previously approved in the budget that was brought forward. There would be additional costs of doing that. The stalls and the buildings alone, not counting electric and power, is going to run around \$750,000 and some change by the time we are all in and said and done with it. The power added to that facility and then the hydrants that would be added to it is going to push it to around \$1M just for the stalls and water connections on that southeastern side of Miners 40-acre property.

Additionally, with that, we have had conversations about bringing potable water in and adding that to the RV space area that would be directly to the west. There would be a road that would come down the center and then to the west would be where we would have RV spaces. The numbers that have been put forward by Chris would represent that, if we did all of that, which is roughly 300 spaces and 200 stalls, each space would have water and power to it and would be in a 4-plex configuration at a slant, at a cost of \$2.5M. A chunk of that money, close to \$400,000, would be contingency and planning a design and inspection of that total. We have looked at doing a phased kind of approach for this by reducing it to basically 120 RV spots. The \$2.5M includes the stall side at the base of \$1M and then doing the full RV buildout at \$2.5M. At, basically, \$2M, we could reduce that down to 120 RV spots and, basically, that would just bring partial electric and water to those spaces to reduce the total number. Again, looking at the stalls and, specifically, what is in front of you today and I am trying to stay germane, Joe, but it cascades into bigger numbers, right?

Looking at the stalls we have in the proposal that we have in front of you today, it is for 200 stalls at that \$495,725.68, roughly. But again, there is going to be another half million dollars to put the roof over the stalls and the water and power. We did evaluate what the cost of what Hoofbeat stalls would be in comparison and they are a very different product. It is not apples to apples. Those would basically be panel stalls, so there would be no solid material. If you had 2 horses side by side, they could basically kick through the panel at each other, which is an issue that we have in stalls in these kinds of settings, which is why the Priefert is preferred and would be considered for high-end events. People have \$25,000 cutting horses and barrel horses and stuff that would be in these kinds of stalls. Those would be panel stalls and those would be \$1,800 each. If we did 100 of those and 100 of the Hoofbeats to see what that configuration would give us, it is only about a \$60,000 savings from the total of \$495,725.68. In terms of marketing the facility, the preferred is going to obviously be the Priefert.

To give you some kind of representation of what our return on costs on this proposal would be, Jorge has been working over the last 3 years on the strategic review of the facilities. We started it before COVID, entered into COVID, and then we kind of changed the objectives of the research project because, at that point, we realized we were building the 3C, so we changed things to look at specifically giving a calculation to figure out the economic impact of having some of these events come to Churchill County. We have gotten a draft on that and, just using the draft calculations, the top shelf that would happen in October, using very conservative numbers, we believe that it would represent roughly \$113,000 in economic impact for a 3-day event that would impact roughly \$30,000 in direct revenue to the facilities for the rentals on the stalls at \$20 a stall and for RV spaces that we would predict that would be utilized. Then, with the facility fees, that is roughly \$35,000 that would be on the revenue side of having that event directly to the fairgrounds. So, \$113,000 in economic impact. We have an early spring event that we are communicating with, which we can't talk about much in terms of detail, but we are working hard to get booked into the facilities and we believe that that would represent roughly a \$265,000 economic impact over multiple days. Additionally, the Breeder's Cup did not include what the spectator side would look like because we did not calculate that because we are not really sure. The other event, we took a conservative look at spectators and guessed daily you would be somewhere between 800 and 1,000 using the lower numbers. We realized or calculated that that would be about another \$270,000 in spectator economic impact, so that is roughly \$550,000 in economic impact on that event direct funding between the stalls, the facilities and RV spots for those days would be, roughly, about \$70,000 in economic impact. So, definitely the investment in this is going to bring and continue to bring economic benefit to the community and we can directly tie that to this purchase but I didn't want to bring this forward and make you in any way believe, well, check the box, we did \$500,000 and we are good to go on what is needed out there to meet some of these events. Currently, we have roughly, 180, stalls. I can say, for the events that we are looking at, that it is not enough, so, whether we have to come up with some consideration if we are going to be able to figure out how to have these events here to deal with the numbers that we would see. Again, I think this puts us in a better positioning mark but, again, you know, this is a pretty big chunk of change. Beyond this, moving forward, beyond just general maintenance, kind of lower end kind of upgrade stuff, like some of the sprinkler stuff we are already working on and some of those things, I don't see a big ask in the future over the next 5-10 years, somewhere in there. This truly is a kind of a final infrastructure piece to make the whole thing work and happen. We are identifying just a couple of events.

The other thing that I would add is that we did have the numbers run for, basically, the 3 weeks in June that included the Battle Born Broncs, the Mexican Rodeo and the Degolyer Rodeo and that represented roughly \$400,000 in economic impact for that 4 days of events that came in. All of those were heavily spectator driven. We didn't consider spectators. We think it will be a big part of the marketing and our numbers are very conservative by not doing so, but we only know what we know, basically.

Jorge Guerrero said one of the things I wanted to add is the current stalls that we have are not conducive for these high-end events. They are not built like the Priefert stalls. We have 80 barn stalls that are enclosed stalls. Those would probably be the closest but the rest of them are the open stall panel types that we have right now. Then, on those numbers that Jim gave you for that month, that was only for those 3 events. It did not include the Pow Wow and some of the other events that we had during that time. We were able to compile that information from the producers putting on those events and luckily, we just got this report, it is a draft and we are hoping to finalize that here in the next couple weeks, so those are based off the numbers for day, overnight, and family uses, so when you go to the report, it really compiles a lot of data. We gave them every bit of information we could and the way that they put this together, it is going to give us an opportunity to quantify what those numbers are in the community and not be in a position where we are just making those numbers up. Just putting together those 3 events with the information that we had, is pretty significant how it hit the community. In talking to some of the local businesses during that week when they had the Battle Born Broncs in town, a couple different business owners actually stopped me and said that they had some of their best opportunities for generation of revenue that week and then on the 4th of July weekend where we were not having any events because we kind of slowed down in July, it kind of gives an opportunity to catch up and, I guess, review how we did in June, they said that their sales have actually dropped. That, within itself, kind of tells me that what we are talking about, overall, that it is significant when we do an event, especially when we are using those facilities the way that we can to maximize that economic development in the community.

County Manager Jim Barbee said I forgot to say that the funding source for the corrals would be the Building Reserve Fund. The building structures themselves, we have some of the set-aside money from the residential construction fee that we would be utilizing for that piece, so this would not all come out of Building Reserve but it is my guess that Building Reserve would be a chunk of this, moving forward.

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

Commissioner Heath said I think Jim should be a hydrologist. On your map, those things aren't going across Elm Drive are they because that is what that map shows that you had in the packet. Your map sucks. County Manager Barbee said pull it up and I will point to it. Chairman Olsen said oh, he is right, the map sucks. County Manager Barbee said I will start with the sucky parts. Oh wow, which one of you are responsible for that? I am trying to get my bearings on it. Jesse Segura said that is the property back there, so that is behind those 2, the county property and the private residence, that is where we will start the parking area back there. Those are the places where the stall barns will be going. They are 250 X 24 foot wide and there are 4 of them, so I don't know why

Elm Drive is in there. I am pretty sure you are just looking at the Miners Road property and we are on the east side there. In the back there is where the RV spaces would go and there would be a road come down there.

County Manager Barbee said if you go through any of the dairies you will see, basically, pole barns made out of the old pipe. They would be reflective of that and the stalls would be an all-black material because of the PVC. Commissioner Heath said are we going to have to lay down more gravel? Jesse Segura said just for dust issues on the neighboring property down there. County Manager Jim Barbee said this is just for the stalls. It is not the water or power or the buildings that would cover them. It is just the stalls. We would basically bring forward because we didn't have time because of the ordering issue to get it here in October to bring the consolidated proposal, which I basically was running through our best numbers that Chris has been working on over the last week or so. Otherwise, I wasn't going to bring it without this information because it would be an inaccurate representation of what the cost is because you just can't, I mean, yes you can purchase the stalls but you can't just put them out there without all these other considerations.

Deputy District Attorney Joseph Sanford said, just based off of your presentation and given the size of this contract or the purchase, you said you looked at Hoofbeats, as well, but the type of panels was not suitable for what we were looking for. Is Priefert the sole source for the type of panels that we are searching for? Jorge Guerrero said we are involved with a purchasing contract with Priefert, their tips, so they handle the concerns that you have. County Manager Barbee said that means they are on like a state approved purchasing list. That has all been pre-negotiated and it makes it to where we don't have to do the outsource bid stuff. Jorge Guerrero said and we get the best price.

Chairman Olsen said I appreciate what this does to bring you know, hopefully, the final piece to make the building as marketable as possible. You have this \$14M investment and you have to have the bits and pieces around it to make it work so that you can maximize what you can get out of it, but there is an end to the money. We can't just keep spending. As we go through this, maybe you do the stalls and think about where you stage the RV stuff. I am not sure, I mean, those are nice and I know they generate revenue and I think, before we see any of that stuff in front of us, I want to see a couple 3-page paper showing here is how many events, here is how much income off of the RV spaces, blah, blah, blah, a little more data and grind through this and make sure that what we are investing in that there is going to be a return. You know what I mean. I was explaining to somebody that this is not necessarily a revenue source, necessarily. We will get a bigger picture of what it does in the community. Not every event we hold there needs to be looked at as an "I can't make enough money off of you" type event. We are not going to have a bunch of kids there, like Boots and Britches, and charge them more because this is what the event cost. We run a swimming pool at a loss too. Some of these things are for the benefit of the community, otherwise, why build them. I am concerned how much we have spent to date and how much more we are going to spend. I just want to make sure that, as we go forward with these plans, I understand that we are in a crunch to get these because there would be a savings but, when you come back to us, I want to see more.

Commissioner Koenig said we are approving you spending \$500,000 today but we are committing ourselves to \$2.5M. Chairman Olsen said, maybe, but at least \$1M. Commissioner Koenig said what was the \$2.5M number? County Manager Barbee said, so, again, the stall project as a standalone,

which would frame the map that is up there, so you don't do anything on RV and none of that portion is just to get that with the purchase today is to put the building over it, the power and the water would be \$1M. You are committing, with this purchase, to \$1M. Commissioner Koenig said \$1M more. County Manager Barbee said no, total. In other words, the \$500,000 would be a part of the \$1M basically, then you have to add the water, power, the final gravel grade, and the building that sits over the stalls. Chairman Olsen said and one of the considerations as we go forward would be that, even if we aren't going to do the whole RV deal, you are going to have a trench going across Miners Road and coming from places that you are going to have to source power and water for that RV; throw the pipe in the trench. Throw the conduit and the water pipe. Chris knows about this and he has dug streets back up when it wasn't done right, I am sure, and so we need to account for that even if we are not going to do it in the near future. We should throw the pipe in the ground and get it done. That saves a bunch of money. Commissioner Heath said did we already buy the building or the top or is that coming later? County Manager Barbee said that would be a contract that we would be looking at locally with a builder and, because it is not a prefab building, it is basically an ag structure, it doesn't have to be structurally engineered or those kind of components, so it would be like you see at these dairies. Commissioner Heath said, so we don't have to hire an engineering firm? County Manager Barbee said no. We have consulted with the Building Department on that, specifically.

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

Commissioner Justin Heath made a motion to approve the purchase of corral panels to construct 200 livestock stalls from Priefert, at a cost of \$123,931.42 for 50 stalls, for a total cost of \$495,725.68. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Appointment of Wright Noel to the position of Alternate Public Defender.

As the Commissioners are aware, the Budget for FY 22-23 included the establishment of a county Alternate Public Defender's Office to address the issue of conflict counsel for indigent defense. A job description for the position was approved by the board on May 18, 2022. The position of Alternate Public Defender was posted on May 12, 2022 and it closed on June 10, 2022. Since this position serves at the will of the Board of County Commissioners, the appointment to the position must be approved by the board.

With the county having completed the recruitment process, County Manager Jim Barbee recommends Mr. Wright Noel for the position of Alternate Public Defender. Mr. Noel is currently a Deputy Public Defender in the Public Defender's Office and has direct knowledge of the local court and legal system, as well as specific knowledge and experience providing indigent defense. In addition to his work as Deputy Public Defender, Mr. Noel has also served as the Law Clerk for the 10th Judicial District Court, located in Churchill County. Mr. Noel has been advised of the panel's recommendation and is eager to begin the formation of the Alternate Public Defender's Office. Mr. Noel's employment application materials are included with the Agenda Report.

If the board approves the appointment of Mr. Noel, in accordance with Title 3 of the Churchill County Code, he would be appointed at the first step of the pay range.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: The hiring of the position was approved in the FY 22-23 Budget.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

HR Director Stark made this presentation as outlined above.

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

County Manager Barbee said just to add for clarity, reminding us why and where we are here, this is all tied back to the Indigent Defense Department and, basically, reducing the number of conflicts that we have so that we can reduce the number of conflict lawyer contracts that we had to deal with this current year and with consultation from the Indigent Defense Department, creating this structure where we will have our primary Public Defender, we have this new Alternate Public Defender position, which would separate the two from each other physically and in terms of their filing and all those kinds of things so they aren't simply conflicting each other out so that we would have, basically, a primary and the alternate and then the contract that Sevon LLC was talking about in terms of a conflict counsel contract by itself. Then, at that point only, would Sevon LLC make a decision after you have gone through those 3 primary assignments, whether an additional conflict counsel would have to be assigned. From the research that we have done elsewhere, it would reflect that that would not, for the most part, be necessary. It would be very rare that you would have a 4th level conflict, so this is all part of trying to get past the conflict issues that the Indigent Defense Department has been identifying and pointing out with the creation of this position, just as a review of why we went here and why this has changed through budget.

Commissioner Koenig said, whenever possible, I think it is a good idea to hire from within and promote from within the county and we know what he has been doing and I am pleased to see Wright going to get this position. Chairman Olsen said I think we made him sweat a little though first. I agree with those comments and look forward to the justice these people are striving for from all of us and that you are going to be a part of that.

Commissioner Gregory Koenig made a motion to appoint Wright Noel to the position of Alternate Public Defender, effective 7/11/2022. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

G- Consideration and possible action re: Notification of and approval of the apportionment of the Fiscal Year 2022 Federal Payment in Lieu of Taxes (PILT) in the amount of \$2,552,647.

Churchill County has recently received the annual Federal Payment in Lieu of Taxes. The following is a comparison of amounts received over recent years:

Fiscal Year	Amount
FY 22	\$2,552,647

FY 21	\$2,492,770
FY 20	\$2,457,872
FY 19	\$2,346,920
FY 18	\$2,298,812
FY 17	\$2,260,796
FY 16	\$2,384,202
FY 15	\$2,003,488
FY 14	\$2,199,792
FY 13	\$2,053,174
FY 12	\$2,151,359

The amount budgeted was \$2,525,000 and is apportioned to the following funds:

Fund	Amount
General Fund	\$1,500,000
Parks & Recreation Fund	\$ 300,000
Risk Management Fund	\$ 50,000
Compensated Absences Fund	\$ 175,000
Debt Service Fund	\$ 500,000

There was a greater-than-anticipated amount of \$27,647 and a decrease in the Debt Service Fund of -\$117,103, since this amount should be 15% of PILT per the Letter of Conditions by the USDA, it, is recommended to be reallocated as follows: \$40,000 to the Parks and Recreation Fund to cover expansion costs and \$104,750 to the Public Library Fund to help cover increasing costs. See the apportionment letter provided for more details.

FISCAL IMPACT: As outlined.

EXPLANATION OF IMPACT: As outlined.

FUNDING SOURCE: General Fund, Parks & Recreation Fund, Risk Management Fund, Compensated Absences Fund, Public Library, and Debt Service Fund.

ACTION REQUESTED: Accept

Comptroller Wideman made this presentation as outlined above.

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

Commissioner Heath said did any of the counties get any extra federal funds? Comptroller Wideman said it doesn't look like it. They don't really tell us, it just comes from the feds and they say this is your apportionment but, judging by the dollar amount, it is barely anything from the prior year and it doesn't look like they put any of the CARES money in. I knew I had seen something where they took like \$1B off and repurposed it for another area that needed the money. I thought there would still be another billion in there but I don't think that is the case. They don't break it down in the letter.

Commissioner Justin Heath made a motion to note the receipt of the FY 2022 Federal Payment in Lieu of Taxes (PILT) and to approve the apportionment to the funds as recommended by the Comptroller. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

H- Consideration and possible action re: Modification of Pay Ranges for the Captain and Undersheriff positions at the Sheriff's Office, at an estimated cost of \$58,000.

In July of 2003, the Board of County Commissioners took action to approve Pay Ranges for the positions of Captain and Undersheriff. Based on a request of the Sheriff at that time, the Pay Ranges for these positions were linked to the rate of pay for the elected Sheriff, which is determined by the Nevada Legislature. As a result, "general increases" for the Captains and Undersheriff only occurred if the Legislature took action to increase the elected Sheriff's salary. The result of this action is that there have been multiple times when other county employees received a general increase, while these employees did not. In fact, there have been times it led to a decrease in salary when increases in PERS occurred.

The current Sheriff feels this is an inequity and he requested the County Manager to consider how it could be resolved. The County Manager requested Human Resources Director Geof Stark to conduct a compensation study for both positions. The survey was conducted in similar fashion as was recently done for other positions within the county. Data was collected from the Class 3 counties (Carson, Douglas, Elko, Humboldt, Lyon, Nye), as well as from the Washoe County, the City of Fallon, and the State of Nevada. The result of the survey indicates that, at the midpoint, the Captain position was 9.82% below the average and the Undersheriff position was 15.10% below the average. As a result, staff recommends the old Pay Tables for Captain and Undersheriff be eliminated and the positions be assigned to the county's non-represented, law enforcement Pay Tables. The recommendation is for the Captain position to be assigned to Grade 77A and the Undersheriff position to be assigned to Grade 81A. With this reassignment of pay grades, it is understood that the pay for these positions will be adjusted annually based on the general increases and PERS contribution rate changes that are applied to all other non-represented employees. If the Legislature takes action to change the salary for the elected Sheriff, such change will not be applied to these other positions. Consistent with how the county has implemented changes in the Pay Ranges for other employees, the current employees in these classifications will be placed on the same step in the new Pay Range.

In conjunction with this change, staff requests approval of new Pay Tables for non-represented law enforcement employees. The tables previously approved by the board for FY 22-23 had separate tables for salaried vs. hourly employees. That differentiation is not needed, so all the ranges have been combined in one table. Furthermore, additional ranges needed to be added.

FISCAL IMPACT: Approximately \$58,100 in FY 22-23 budget.

EXPLANATION OF IMPACT: The impact calculates the cost difference of the positions without the changes compared to the costs with the changes. This includes the cost of salaries, along with benefits (primarily PERS). The Pay Tables for these positions that were originally approved did not include a 5% general increase. Approximately \$21,000 of the impact is due to the 5.0% general increase. The remainder of the increase (\$37,000) is due to the adjustments of the salary ranges to

account for the 9.82% below-market pay for two Captains and the 15.10% below-market pay for one Undersheriff.

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

Human Resources Director Stark made this presentation as outlined above. He stated that it is our desire to be able to bring them in and then they would get those general increases each year. They are aware and the Sheriff is aware also that it takes them off of that Sheriff's salary connection. If the Sheriff's salary goes up, that will not impact these pay tables. They are still going to be tied to just the general increases that the rest of the county gets at that point. The Sheriff would have loved to be here. He is actually on the east coast going to the FBI National Command College but he is supportive of this change and would love to see that happen.

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

Commissioner Gregory Koenig made a motion to implement the compensation study results for the Captain and Undersheriff and to assign the Captain classification to Pay Range 77A and the Undersheriff classification to Pay Range 81A, effective July 11, 2022. 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: Treasurer's Report for May 2022 showing a balance of \$47,004,878.51 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for May 2022, which shows a balance of \$47,004,878.51 in the account. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairman Olsen asked if there was any public comment but there was none. He said I would like to have Sherry go through Item B. There are 2 pages of the Treasurer's Report and, on the second page, I would like to have her explain it to me. Can you walk me through the math there, what is going on? I was telling Jim about this yesterday.

Treasurer Report

Date Range: 05/01/2022 - 05/31/2022

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated Actual Ending
515 CAPITAL PROJECTS TRUST FUND	2,195,834.97	12,020.39	0.00	12,020.39	12,020.39	2,167,414.58	2,231,455.36	64,040.78
520 EXTRA ORDINARY REPAIR	1,421,904.88	12,644.52	5,875.00	28,769.52	28,769.52	1,995,135.36	1,492,874.40	575,99.04
525 FIRE EQUIPMENT APPROPRIATION	2,349,603.68	19,377.86	720,000.00	700,292.14	700,292.14	2,669,695.82	1,969,111.54	1,400,584.28
530 ROAD EQUIPMENT REPLACEMENT	752,426.10	108,230.12	32,756.15	115,934.17	115,934.17	616,491.93	888,360.27	277,868.34
700 WATER UTILITY ENTERPRISE	1,834,137.14	105,475.01	24,996.43	156,873.86	156,873.86	2,233,563.44	1,674,963.78	558,600.16
720 WASTE WATER FUND	1,817,715.50	55,522.08	25,115.02	16,087.87	16,087.87	1,775,926.82	1,851,803.17	77,876.55
780 CHURCHILL CO GOLF COURSE	10,246.81	7.26	1,063.93	1,086.71	1,086.71	13,133.54	7,160.08	6,173.46
810 - SCHOLARSHIP ACTIVITIES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
811 CCSD OPERATING	250,435.39	443,845.75	250,435.39	213,030.46	213,030.46	17,405.04	86,466.75	426,061.71
812 CCSD DEBT SERVICE T & A	181,916.04	139,925.01	181,916.04	157,988.92	157,988.92	21,947.17	199,925.01	315,977.84
813 CCSD BUILDING T & A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
814 CCSD RESIDENTIAL CONST TAX	8,920.00	1,782.00	0.00	1,782.00	1,782.00	7,138.00	10,692.00	1,564.00
815 PROPERTY SALES PROCEEDS	246,072.07	117,183.43	0.00	117,183.43	117,183.43	133,668.64	158,455.50	224,786.86
820 DEFERRED COMP PLAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
822 LAM ENVIRONMENTAL, ALL IN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
823 SCHOLARSHIP TRUST FUND	25,477.87	543.20	0.00	543.20	543.20	26,041.37	26,041.53	1,127.40
825 MOSQUITO ABATE DIST T&A	15,212.28	118,120.77	15,212.28	102,908.49	102,908.49	67,696.21	138,120.77	205,816.98
831 STATE OF NEVADA T & A	290,981.17	100,899.25	30,630.83	70,268.42	70,268.42	170,712.95	261,249.78	190,536.84
832 CITY OF FALLON T&A	58,557.45	28,407.27	58,492.45	30,285.18	30,285.18	86,662.63	26,272.23	60,170.36
833 ST HUBERT/NEVADA T&A	4,141.19	0.00	0.00	0.00	0.00	4,141.19	4,141.19	0.00
834 TOD T&A	87,038.04	37,858.76	87,038.04	49,179.28	49,179.28	136,217.32	37,858.78	98,358.56
835 - CWD T&A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
836 RANGE IMPROV #2 T & A	3,225.80	0.00	0.00	0.00	0.00	3,225.80	3,225.80	0.00
837 RANGE IMPROV #3 T & A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
838 CHILD SUPPORT TRUST T&A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
839 JUSTICE COURT TRUST T&A	22,176.92	4,737.00	5,880.00	1,143.00	1,143.00	22,819.92	22,233.92	2,286.00
840 RANGE IMPROV #6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
841 MISCELLANEOUS TRUST T&A	22,959.04	0.00	0.00	0.00	0.00	22,959.04	22,959.04	0.00
842 RECORDER TRUST T & A	101,609.79	0.00	0.00	0.00	0.00	101,609.79	101,609.79	0.00
846 COURT CLERKS TRUST T&A	89,281.74	1,110.97	42,053.72	40,742.75	40,742.75	110,184.49	28,518.99	81,465.50
999 POOLED CASH FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Report Total:	47,465,190.81	5,170,508.35	5,134,126.46	360,112.13	-360,112.13	47,921,997.49	47,006,878.51	917,118.98

Comptroller Wideman said the \$47M in the first column, is the beginning cash balance at the beginning of the year and then those are all the revenues and the expenditures that came out of various funds. Chairman Olsen said you show a \$360,000 net change in assets. Comptroller Wideman said, yes, that is just in and out there. If you look at the net change in assets and liabilities, that is just a clearing account. Chairman Olsen said, with revenues and expenses, there is only like a \$160,000 difference and, yet it shows a \$917,000 change in the ending fund balance. Comptroller Wideman said this comes from the Clerk/Treasurer's Office in their bank reconciliation, I don't use this report, however, the numbers do match because they come out of Tyler. What is your question? Chairman Olsen said I can't make the numbers come out. They don't make sense to me. I know I am missing something, that is why I am asking for help. Comptroller Wideman said I think the \$360,000 is your difference between revenue (interrupted). Chairman Olsen said the revenue is only a \$160,000 difference. It shows revenues and expenses there side-by-side in column two and three and it is \$160,000 and some change and, yet our ending fund balance shows it dropped \$917,000. No matter how I do it, I can't get to that number. I am going to say I am absolutely certain it is correct but I would like to somebody explain to me how they arrived at the numbers. Comptroller Wideman said that comes out of Tyler and I will look into the report. The report that I add is the fund balance report, which is item 8. It looks like it is correct using my little calculator. It looks like it is a lot of the outstanding items that are in the bank reconciliation. That reconciliation is done out of the Clerk/Treasurer's Office.

Clerk/Treasurer Rothery said this is just a working report every month of all the money that we get, all the expenses we get, and some of the net charges and liabilities. These are just the different accounts and where they go in and they sit. The actual ending balance is what we balance to in our bank reconciliation. Any of that calculated actual ending balance is just anything that is outstanding

in that whole report. Chairman Olsen said so, like outstanding checks? Clerk/Treasurer Rothery said it is just how we have it in our accounting system, our General Ledger. Comptroller Wideman said it would be checks and deposits and anything that has not cleared the bank yet. That is your \$917,000. It is the difference between the General Ledger and the bank. Chairman Olsen said, well, I can accept that. Clerk/Treasurer Rothery said because we get things that come through the bank we may not have processed it in the General Ledger yet and visa versa, so this is going to be that offset between the two.

C- Consideration and possible action re: Sheriff's Civil Report for May 2022.

The Sheriff's Office provides its Civil Report for May 2022 for the board's review and acceptance. A total of \$8,467 was received as revenue for the month.

FISCAL IMPACT: \$8,467

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

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Consent Agenda as submitted. 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:

- Jim and I had our regular monthly breakfast with the Mayor and his Chief of Staff yesterday. We talked about various things such as what the Rafter 3C has done so far and the impact the last 3 events have had as well as the upcoming events.
- I want to congratulate Joe on being our new Civil Attorney. He got thrown into the fire right off of the bat with a nuisance complaint and we want to welcome you aboard.

Commissioner Koenig had nothing to report.

Commissioner Heath had nothing to report.

County Manager Barbee had nothing to report.

Sheriff Hickox was not present.

Comptroller Wideman reported on the following topics:

- We are working on closing out the fiscal year.

Civil Deputy DA Sanford said thank you for the welcome. I didn't know that nuisance complaint was going to be on me but it went okay, so I am not too nervous about it. I will be taking over for all of the civil issues moving forward until we can get my colleague, Jeff Weed, to move over from the criminal office to the civil office in the next couple of weeks. In the interim, it is just me. If you have any questions or need anything, you can stop by. If there is an issue on the Agenda, I would prefer to talk about it before the meeting.

Clerk/Treasurer Rothery was not present at this time.

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.

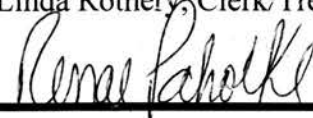
Adjournment:

The meeting was adjourned at 10:53 AM.

Approved: 
H. Peter Olsen, Jr., Chairman

Approved: 
Greg Koenig, Vice-Chairman

Approved: 
Justin Heath, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer

Renae Paholke, Deputy Clerk