

## **MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS**

**155 N. Taylor St., Fallon, NV 89406**

**October 6, 2022**

### **Call to Order:**

The regular meeting of the Board of County Commissioners was called to order at 8:16 AM on October 6, 2022.

### **PRESENT:**

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

### **ABSENT:**

Commissioner Gregory Koenig  
Clerk/Treasurer Linda Rothery

### **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 September, 2022, between the hours of 8:00 and 11:00 AM 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 Justin Heath made a motion to approve the Agenda as submitted.**

**Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

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

#### **A- August 17, 2022 Closed Session;**

The Minutes of the closed session held on August 17, 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 August 17, 2022 as submitted. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**B- August 25, 2022 Special Meeting;**

The Minutes of the special meeting held on August 25, 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 special meeting held on August 25, 2022 as submitted. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**C- September 1, 2022 Regular Meeting.**

The Minutes of the regular meeting held on September 1, 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 regular meeting held on September 1, 2022 as submitted. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**Appointments:**

**A- Consideration and possible action re: Public Hearing on three pre-applications to be submitted to the Governor's Office of Economic Development, Community Development Block Grant Program.**

During the meeting held on September 1, 2022, two direct projects and one sponsorship project were presented. Following that meeting, the public comment period was open until October 4, 2022. At the time of submittal of this report, no comments had been received by Shannon Ernst or the Social Services Department.

Today, an overview of the three projects below will be provided again. The board is requested to review, rank, and determine which projects to submit to the Governor's Office on Economic Development by midnight on October 14, 2022 for eligibility review and authorization to submit a full application before midnight on January 25, 2022. At the time of notification of approval or denial, the team will return to present matching outlines for the projects, obtain final feedback on the projects, and request approval to submit per the deadline.

Projects (not in any special order):

1. Churchill County Civic Center Recreational Vehicle Complex \$1,661,255.80.
2. Cottage School Renovation Project \$98,400.00.

Sponsorship:

Central Nevada Health District Equipment Purchase \$375,760.00.

FISCAL IMPACT: Not determined at this time

EXPLANATION OF IMPACT: To be determined based on designated matching for each project that is approved for full application submittal and approval by the Board to submit

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Caleb Cage said, during the meeting held on September 1, 2022, three projects were presented, which were expanding the RV spaces at the Event Center, help in support for the Cottages to upgrade those, as well as a sponsored project for multiple counties for the Central Nevada Health District. Following that meeting, the public comment period was open until October 4, 2022. At the time of submittal of this report, no comments had been received by Shannon Ernst or the Social Services Department and we would like to continue that CDBG Grant process over the next few weeks and make sure that we are submitting those proposals in accordance with your prioritization. Today, we ask for your continued support and your prioritization of the 3 projects that we plan to submit.

Chairman Olsen asked if there was any public comment but there was none. He said I think you have some good ones there.

Projects in order:

1. Churchill County Civic Center Recreational Vehicle Complex \$1,661,255.80.
2. Cottage School Renovation Project \$98,400.00.

Sponsorship:

Central Nevada Health District Equipment Purchase \$375,760.00.

**Commissioner Justin Heath made a motion to approve the pre-applications as submitted for eligibility to CDBG. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**B- Consideration and possible action re: Ratification of funding award between Churchill County Social Services and the State of Nevada, Department of Public and Behavioral Health, Epidemiology and Laboratory Capacity Program, in the amount of \$280,831 to provide COVID response to schools.**

Churchill County Social Services has obtained funding from the Department of Public and Behavioral Health, Epidemiology and Laboratory Capacity Program, to support COVID

response to schools for FY23. The funding will provide staffing for schools to complete weekly testing, follow-up, and education regarding COVID, laboratory scientist time to process tests at the Churchill Laboratory Satellite Lab, and incentives for laboratory testing and health. This is a continuation grant from FY21.

**FISCAL IMPACT:**

|           |                                                                               |
|-----------|-------------------------------------------------------------------------------|
| \$169,958 | Personnel                                                                     |
| \$878.00  | Mileage                                                                       |
| \$6,859   | Operating (cell phones, office supplies, computer Microsoft Operations)       |
| \$82,334  | Other (printing services, incentive kits, and handouts)                       |
| \$20,802  | Indirect (costs not directly budgeted to support oversight, operations, etc.) |
| \$280,831 | Total                                                                         |

**EXPLANATION OF IMPACT:** Cost associated with activity, direct charges and allocations; no match required,

**FUNDING SOURCE:** State of Nevada, Department of Public and Behavioral Health, Epidemiology and Laboratory Capacity Program.

**ACTION REQUESTED:** Accept

Social Services Director Ernst 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 as presented. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**C- Consideration and possible action re: Ratification of the funding agreement between Churchill County Social Services and Nevada Arts Council for \$7,000 to provide an Art Project to participants at the William N. Pennington Life Center.**

Jill Manha, Senior and Disabled Services Manager, and Shannon Ernst, Director of Churchill County Social Services, submitted a request for funding to the Nevada Arts Council for \$7,000 to support art classes. The art project will allow participants to obtain education on art, increase art skills, and showcase the art to the public.

The grant will pay for grant oversight, materials, and a contract with Patricia Sammons to provide art classes.

**FISCAL IMPACT:**

|        |                                             |
|--------|---------------------------------------------|
| \$7000 | Total                                       |
| \$2990 | Contract with Patricia Sammons, instruction |
| \$1010 | Life Center staff oversight                 |
| \$2700 | Supplies                                    |
| \$300  | Equipment (ladder & lighting)               |

Match: In-kind \$100 refreshments and grant administration.

**EXPLANATION OF IMPACT:** Direct \$7,000 prepayment for the program.

**FUNDING SOURCE:** NAC Grant #ALP23-28.

ACTION REQUESTED: Accept

Social Services Director Ernst 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 the funding as presented and to authorize the Director of Social Services to execute the Contract agreement as required. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**D- Consideration and possible action re: Approval of a funding Agreement between Churchill County Social Services and the State of Nevada, Housing Division, for Welfare Set-Aside funding for Fiscal Year 2023 in the amount of \$8,551.22.**

Churchill County Social Services receives an annual allocation from the State of Nevada's Welfare Set-Aside funding. The funds are allocated based on the state-obtained Real Estate Transfer Tax collected annually. This decreases from the FY22 funding amount of \$10,567.70 to the amount of \$8,551.22 in FY23.

The project supports emergency allocations to residents to avoid evictions and utility disconnects per essential service stabilization programming guidelines.

FISCAL IMPACT: \$8,551.22 for emergency services.

EXPLANATION OF IMPACT: \$8,551.22 to support resident eviction and utility disconnect intervention; no match required 220-420-5826.

FUNDING SOURCE: State of Nevada, Housing Division, Welfare Set-Aside funds.

ACTION REQUESTED: Accept

Social Services Director Ernst 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 the funding agreement as presented and to authorize the Chair to execute the same. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**E- Consideration and possible action re: Ratification of the funding agreement between Churchill County Social Services and the State of Nevada Aging and Disabilities Services Division, for Fiscal Year 2023 in the amount of \$119,600 to support the Homemaker Program.**

Churchill County Social Services has been awarded \$119,600 to support the Homemaker Program at the William N. Pennington Life Center. The goal is to provide in-home support for elderly or disabled residents who meet income guidelines. Churchill County staff complete evaluations for those referred to the program and contract out the current service to be provided 1 to 2 times per week for a minimum of 2 hours per visit.

The program will serve up to 70 residents annually. Currently, the program has 62 active

participants.

**FISCAL IMPACT:**

|             |                                                                 |
|-------------|-----------------------------------------------------------------|
| \$22,324.74 | Personnel (data collection, evaluations, grant reporting, etc.) |
| \$88,416.00 | Contract for in-home services                                   |
| \$8,859.26  | In-direct - non-direct budgeted items                           |
| \$119,600   | Total                                                           |

**EXPLANATION OF IMPACT:** Support of contract and personnel. Match requirements: \$17,940 15%, budgeted FY23 and in-kind.

**FUNDING SOURCE:** Independent Living and NV HHS, Social Services Block Grant, Title XX funding.

**ACTION REQUESTED:** Accept

Social Services Director Ernst 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 as presented. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**F- Consideration and possible action re: Ratification of a funding agreement between Churchill County Social Services and the State of Nevada, Division of Public and Behavioral Health, for Fiscal Year 2023 in the amount of \$25,000 to support the jail diversion program, Forensic Assessment Services Triage Team (FASTT).**

Churchill County Social Services has been awarded \$25,000 from the State of Nevada to support the Jail Diversion Program, Forensic Assessment Services Triage Team (FASTT). The funds provide personnel to complete offender assessments and wrap-around services while in jail to develop a release plan and reduce recidivism.

The program successfully works with the Churchill County Sheriff's Department, courts, Court Services, and Public Defenders to help evaluate ongoing needs to obtain services for substance abuse, mental illness, employment, and housing at release.

**FISCAL IMPACT:**

|          |                                        |
|----------|----------------------------------------|
| \$25,000 | Total                                  |
| \$22,303 | Personnel (RL and accounting)          |
| \$845    | Operating (cell phone, supplies, etc.) |
| \$1,852  | Indirect (non-direct operating costs)  |

\*\*\* Match is obtained from CSBG other sources

**EXPLANATION OF IMPACT:** Direct cost reimbursements.

**FUNDING SOURCE:** State Liquor Tax (DPBH), CSBG, Grants to Needy, and Mental Health Budget.

**ACTION REQUESTED:** Accept

Social Services Director Ernst 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 as presented. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**G- Consideration and possible action re: Approval of a Lease Agreement between Churchill County and Sandra Burrell, Independent Hairdresser, at the William N. Pennington Life Center for Fiscal Year 2023.**

Churchill County leases out hair stations at the William N. Pennington Life Center Salon to provide affordable salon services. Each station rents for \$400 per month and includes salon cleaning, phone, utilities, etc. There is currently one hair station and one nail station open for rent.

FISCAL IMPACT: \$400 per month totalling \$4,800 per year.

EXPLANATION OF IMPACT: Rent offsets operational costs of the WN Pennington Life Center.

FUNDING SOURCE: Independent Contractor.

ACTION REQUESTED: Accept

Social Services Director Ernst 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 the Lease Agreement as presented and to authorize the Chair to execute the same. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**H- Consideration and possible action re: Ratification of the funding agreement between Churchill County Social Services and State of Nevada Grants Management Unit for Family Resource Center funding for Fiscal Year 2023 in the amount of \$26,442.**

Churchill County Social Services is the state-designated Family Resource Center for Churchill County. The project aims to connect families to resources and provide education and community engagement. Churchill County partners with many community providers to increase access to services, family education, and resource awareness.

The Family Resource Center funding will support the Parent Project at the Churchill County Juvenile Probation office to increase parenting skills, positive parenting, and support the annual Community Day that links community resources with residents in a fun environment with the distribution of back-to-school supplies.

**FISCAL IMPACT:**

|            |                                                                 |
|------------|-----------------------------------------------------------------|
| \$26,442   | Total FY23 allocation based on population                       |
| \$17,830   | Personnel (Project Coordinator, Grant Reporting, Office Intern) |
| \$4,503.20 | Contractual Parent Project (JPO Personnel)                      |
| \$2,544    | Other (Back-to-school Supplies and Program incentives)          |

EXPLANATION OF IMPACT: \$26,442 - Fund for Healthy Nevada; \$2,644.20 - Match 10% Supplies and CSBG.

FUNDING SOURCE: Fund for Healthy Nevada, Social Services Operations.

ACTION REQUESTED: Accept

Social Services Director Ernst 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 as presented. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**I- Consideration and possible action re: A Parcel Map Application filed by Emma Fullerton for property located at 1767 Lovelock Highway, Assessor's Parcel Number 008-273-62, consisting of 6.7 acres in the E-1 zoning district, whereby the applicant proposes to divide the parcel into 3 parcels of approximately 2-acres each.**

The applicant is requesting a Parcel Map to split the property into three lots: one containing the existing home and 2 new homesites. All new parcels will be slightly larger than 2 acres. The existing parcel is U-shaped with two points of frontage on Northview Drive (on the north edge) and frontage on Lovelock Highway (east edge). There are two existing parcels located within the "U" shape that were created from this larger parcel long ago which also front on Northview. The existing home takes access from Lovelock Highway, a state-maintained paved highway set within its own strip of state-owned land. It will continue to use this access using a flag-lot configuration, with the "flag-pole" reaching the highway. The 2 new homesites will both take access off of Northview Drive, a privately maintained public road within a 60' road easement that lies entirely on the existing lot.

This proposal has road problems that stem from a previous developer's failure to fulfill road requirements (reference the McKenzie-Smitten Amended Parcel Map recorded 11/5/93). Due to complexities and costs of correcting the deficiencies, the applicant submitted a variance from road surface requirements to reduce the standard from paved to graveled, which was denied by the Planning Commission.

Recommended Conditions:

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
  - a) Typographic errors in certificates shall be corrected.
- 2) Any final changes required by the County Surveyor shall be made prior to recording.
- 3) A note shall be placed on Parcel 5 stating: "Access for this property must be from Northview Drive."
- 4) An Agricultural Protection Plan shall be submitted. An acceptable alternative is to place a setback line 100' from the south property line of Parcel 3 labeled "100' residence setback from agricultural land".
- 5) Northview Drive shall be improved to the county standard consistent with the final decision on the proposed variance from the road surface standard.

6) All required permits and authorizations from NDOT must be obtained for improvements and alterations made to Northview Drive.

7) An application for new addresses shall be submitted prior to recording the map.

8) Water dedication requirements must be met prior to recording the map and includes an existing credit for the existing home.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Dean Patterson, Associate Planner, made this presentation as outlined above. Chairman Olsen said there had been a Letter of Credit from a previous developer. Where did that assurance go? I read somewhere in there that it expired. How does something like that expire if you don't do the job? We get the money, right? Dean Patterson said I would not know the details because, at that time, it was nearly 20 years ago, but a Letter of Credit is one form of possible financial guarantee. I have seen people do Certificates of Deposit. Chairman Olsen said, I know, but I am talking about this one. Dean Patterson said, on some of those, the county had direct control of the money but, with a Letter of Credit, I don't know if that is the case. It is kind of like the bank saying they are going to put the money aside but then, eventually, it just goes away but I don't know the details. Chairman Olsen said I think this needs further study because anybody that we offer this kind of grace when we tell them you don't have to do it right away but you are going to have to do it and now these people slipped out and now this lady that wants to do more on her property is left with doing the whole darn thing when somebody was already told by the county that they had to do it. They were allowed to develop the property and they did not do it and they paid no penalties. That is garbage and we need to have things tight on that. If you are going to subdivide your property, it had better be damn well guaranteed that you are going to pay for what you promised you were going to pay for. Don't let anybody slip out because this has caused these problems all over the county like this and I want something that is iron clad. These people are going to pay for what they said they were going to do, do what they said they were going to do, and pay for it, one way or the other. Dean Patterson said I think everybody involved absolutely agrees with you. Even Mrs. Fullerton is kind of stuck with this mess. Chairman Olsen said but it is our job to make sure that we have done our job. The people that did this, some of them are dead and some of them are long retired; that is in the past, but from this day forward, I don't want some future Commissioner to have to deal with this same kind of crap. Dean Patterson said our current code requires bonding, whether a Letter of Credit might be accepted or not now, we would definitely be keeping much better contracts to assure that things are followed through. Chairman Olsen said this is a future agenda item. Maybe bring something back next month and show us what you have done to make sure that this is iron clad and the developer is going to pay what they promised to pay and, if they don't, we get their money and we will go do it. Dean Patterson said we did a similar thing with Jess Reid's project on Lone Tree Road and we required bonding in that case and a contractual agreement that came before the board. That is an example of a much stronger set up than what was in place 20 years ago.

County Manager Barbee said have you talked to the Civil D.A. about whether we have any

drawback capacity on the original promissory note or whatever it was and when did that time out? Dean Patterson said the late 1990s or early 2000s, if I remember. That is why I said it was almost 20 years ago, although I can't remember the exact date. County Manager Barbee said is that when it was agreed to or when the letter expired? Dean Patterson said more or less both because the letter and the follow-ups that happened were less than 5 years apart from when the land division was, which was in 1998 or something like that.

Deputy District Attorney Joseph Sanford said I have not reviewed the actual Letter of Credit. Maybe Ben did before he left. I would be happy to look at this to see if we have any hope. Based off of the circumstances that have been described, a lot of Letters of Credit have an expiration date in them and, generally, if that date passes, then we would not have any authority, especially this far past, to go back and say to the bank, you owe us but I would be happy to look at it. Dean Patterson said and that bank is no longer existing. This was in the time period when we didn't really even have road paving requirements. June and Jacobs Road and some of the roads in the west of the community, a lot of the roads are in horrible shape and there was not a requirement to do them well. Those are from this time period. I suspect they were trying to get a handle on it and make things better. They didn't have all the holes patched, so to speak.

There is a lot of sympathy for Mrs. Fullerton. She asked for a variance to allow the road to be graveled rather than to be paved, which is an option. The Road Supervisor did not want to be responsible for a partially compliant road, so he felt that staff should deny the variance. The Planning Commission, while they had sympathy for her, followed staff recommendations. Mrs. Fullerton had the option to appeal that, which was part of the discussions we had early on, in which case, both the map and the appeal would come before you, but she decided not to appeal at this time. Last time I talked to her, she was planning on following up with a variance but wanted to work with the other owners on the street. There are owners who had previously wanted to divide and they were also told that they had to pave the road and did not follow through. It may be that she is planning to work with them. I don't actually know the specifics. Other than the road, this is a fairly standard parcel map. The conditions of approval include the possibility of having a road variance in the future. One of the consequences of this project is that it pointed out that the way the code is set up, in which case, the variances are decided by the Planning Commission, but the road variances are under the review of the Road Supervisor and he is under the direction of the board, so it is a very uncomfortable situation for everyone to be in. One of the possible fixes that we are thinking of is that, when a variance like this is accompanying a parcel map, then, like the parcel map, it then becomes a recommendation by the Planning Commission and the final decision by the board, in which case the Road Supervisor can have a clearer way to make his feelings known about the road situation and then the board can make the decision.

Deputy District Attorney Joseph Sanford said I happened to be at the Planning Commission meeting. Did Mrs. Fullerton intend to continue with this parcel map given the fact that the variance was denied? It was not clear to me. Dean Patterson said, as far as I remember from the Planning Commission, she had intended to appeal and then, like we had talked about, both decisions would come to the board for a final decision. Now, I think she is just planning to develop another proposal for a variance, in which case, she would get denied and come to the

board again. Deputy District Attorney Joseph Sanford said did she want us to do this or did she intend to pull this? Dean Patterson said she wants this to proceed.

Commissioner Heath said, as of right now, she would have to maintain the road, correct? Dean Patterson said correct.

Chairman Olsen asked if there was any public comment but there was none. He said I think that would be a better solution and I hope Mrs. Fullerton comes back with her neighbors with a proposal to have the road paved. I am loathed to make any more of these problems for somebody in the future, even if there is undo weight put on one person to make it happen. It is falling back on everybody else in the county to fix these things, in the end. I am hopeful she is successful in getting that so she can come back to us with something where they will have a road that the county will accept. I know that is one part that we have done over the years is recognize that we had some substandard issues. Contractors were building the road to the spec the county had. It is just that the spec the county had was not good enough and we had to go back. I remember in the Venturacci subdivision that is north of Coleman and over by River Village, we had to completely reconstruct roads at great expense on the county's dime because our standards were not good enough to recognize that those roads need to be built to a better spec. I think we have that fixed and, as long as Gary is here, I know he won't let anything like that get by, for sure. I do have concerns where this is, obviously, a case where somebody promised to do something and they didn't do it and there is no consequence to them. I don't want that to happen again, so I want whatever we've got in place, presented as a future Agenda item where there is a complete discussion and explanation of what our practices are now on this to make double sure that we don't have problems like this again and that people that promise something, do it. Dean Patterson said I think everybody involved feels the same way. I think the code requirements are way better than they were and they are much more diligent about setting up a system in each case where it doesn't fall through the cracks. Chairman Olsen said I want evidence of that. I want you to bring it back to us and show us. Chairman Olsen asked if there was any further comment but there was none.

**Commissioner Justin Heath made a motion to (A) approve the Parcel Map permit application for Emma Fullerton to divide APN: 008-273-62 into three parcels, subject to conditions as listed in the Staff Report, (B) to accept the offer to grant easements identified on the map, and (C) to reject all offers to dedicate lands and improvements at this time. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**Recess to Conduct the Liquor Board Meeting and then Reconvene Following the Meeting:**

The Liquor Board Meeting was cancelled prior to this meeting.

**Letters Received:**

**A- Bureau of Land Management's notification of its Proposed Decision to implement the reduction of Animal Unit Months (AUMs) associated with the Phoenix Mine and the Greater Phoenix Mine Projects within the Copper Canyon Grazing Allotment.**

The Bureau of Land Management provides notification of its Proposed Decision to implement

the reduction of Animal Unit Months (AUMs) associated with the Phoenix Mine and the Greater Phoenix Mine Projects within the Copper Canyon Grazing Allotment. The reduction in authorized AUMs is due to lands being devoted to another use as a result of mine boundary fences, mining facilities, and an open pit mine that requires the exclusion of livestock grazing within the affected areas. When these lands become available again for grazing upon mine closure and successful reclamation, AUMs canceled under this decision may be made available in accordance with applicable regulations. Further details are provided in the notification letters.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**B- Nevada Division of Environmental Protection's Request for Release/Spill Information from Omaha Track concerning a fire of railroad ties that were preserved with coal-tar creosote or other wood preservatives.**

The Nevada Division of Environmental Protection (NDEP) provides notification of its Request for Release/Spill Information from Omaha Track concerning a fire of railroad ties that are preserved with coal-tar creosote or other wood preservatives, which would result in the release of a volatile organic carbon or semi-volatile organic carbon compounds to surrounding soils from full or partial combustion residuals. Because this release appears to have resulted in contamination and exceeds limits or quantities established by Nevada Administrative Code (NAC) 445A.347 or 445A.3473, Omaha Track is required to provide an evaluation of the release per NAC 445A.2269 and NAC 445A.227, which is due no later than October 28, 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**C- Bureau of Land Management's notification of its completion of the Environmental Assessment (EA) and Finding of No Significant Impact and has issued the Decision Record for the Marietta Burro Gather EA.**

The Bureau of Land Management provides notification of its completion of the Environmental Assessment (EA) and Finding of No Significant Impact and has issued the Decision Record for the Marietta Burro Gather EA. The Proposed Action is to gather and remove excess wild burros inside and outside of the Marietta Wild Burro Range located in Mineral County to achieve low end of appropriate management level (AML) within the range. The AML for the range is 78-104 burros. Another part of the Proposed Action is to remove all excess wild horses within the range.

The EA, FONSI, and Decision Record are available on the project webpage for review or download at: [eplanning.blm.gov/eplanning-ui/project/82561/510](https://eplanning.blm.gov/eplanning-ui/project/82561/510).

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

**Old Business:**

**A- Consideration and possible action re: Approval of Interlocal Contract #2022-12 with the Carson Water Subconservancy District for continuation of the Dixie Valley Water Level Measurement and Precipitation Gage Monitoring Program in the sum of \$23,000 in FY22-23, and \$23,000 in FY23-24, \$25,000 in FY24-25.**

The Churchill County Commission approved the submission of a Funding Application to the Carson Water Subconservancy District (CWSD) for ongoing water level monitoring, high altitude precipitation gage data collection, weather station servicing, and stream gage monitoring in Dixie Valley. The Funding Application estimated the three-year project costs at \$95,000, with \$71,000 being sought from CWSD for FY 22-23 (\$23,000); FY 23-24 (\$23,000); FY 24-25 (\$25,000), and \$8,000 per year in funds provided by Churchill County.

On February 22, 2022, the county's water resources consultant, Chris Mahannah, of Mahannah and Associates, and Churchill County Manager Jim Barbee attended the CWSD Finance Committee to present the county's application. The Finance Committee approved the county's application for \$71,000 over a three-year period. CWSD's Interlocal Contract #2019-8 has been provided for formal approval by the Board of County Commissioners.

FISCAL IMPACT: \$24,000 over the three years.

EXPLANATION OF IMPACT: The total project is estimated at \$95,000, with \$71,000 in funding provided by CWSD over a three year period, and up to \$24,000 (\$8,000 per year) provided by the county as matching funds.

FUNDING SOURCE: Water Resources/DV WL & Precip Monitoring: 380-380-55793 (Expenditures) Water Resources/Revenue Account: 380-000-35775 (Revenue).

ACTION REQUESTED: Accept

County Manager Barbee 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 the Interlocal Contract #2022-12 with Carson Water Subconservancy District to assist with the continuation of the Dixie Valley Water Level Measurement and Precipitation Gage Monitoring Program. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**B- Consideration and possible action re: Reappointment of Kelli Kelly and David Brakebill to the Library Board of Trustees to serve a 4-year term ending October 31, 2026.**

The Churchill County Library Board is a governing board appointed by the Board of County Commissioners, authorized and directed to make recommendations and provide oversight and direction to the Churchill County Library per NRS 379. The Library Board is comprised of five (5) members, who serve four (4) year terms. David Brakebill was appointed on August 18, 2021 to fill the unexpired term of Marilyn Hedges-Hiller. Kelli Kelly was appointed on September 18, 2018. Kelli Kelly and David Brakebill have both expressed a desire to continue serving and the County Manager and Library Director recommend their reappointment to serve a full four year

term, effective November 1, 2022 through October 31, 2026.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Carol Lloyd, Library Director, 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 reappoint Kelli Kelly and David Brakebill to 4-year terms with the Library Board of Trustees, effective November 1, 2022.**

**Commissioner H. Peter Olsen, Jr. 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: Report of services provided by Churchill County to children with intellectual disabilities or related conditions pursuant to NRS 435.010.**

The Board of County Commissioners of various counties shall make provision for the support, education, and care of the children with intellectual disabilities, and children with related conditions. A report of such services is required to be provided to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care if the Legislature is not in session.

Churchill County is in full compliance with NRS 435.010 and has entered into an Interlocal Agreement with the State of Nevada to provide support, education, and care for children with intellectual disabilities and children with related conditions. Specifically, Churchill County, through the State of Nevada, provides the following services:

1. Respite Care – approval on a case-by-case basis.
2. Targeted Case Management – all participants.
3. In-Home Habilitation – as requested.
4. Purchase of Service – case-by-case basis.
5. Supportive Living Arrangement - as requested.

6. Clinical Services – all participants.

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.

**Commissioner Justin Heath made a motion to approve the Consent Agenda as submitted. Commissioner H. Peter Olsen, Jr. seconded the motion, which carried by unanimous vote.**

**Consider Future Agenda Items:**

During the discussion regarding the Fullerton Parcel Map, Chairman Olsen requested that the Public Works, Planning and Zoning Department bring back a presentation on ways in which the county will ensure that we do not have issues with developers not completing requirements on their parcel maps, especially related to road requirements as happened with Mrs. Fullerton being required to now make road improvements that were not done with a previous owner and that owner not having any consequences for not doing so. Deputy District Attorney Sanford also agreed to research the Letter of Credit associated with that previous owner's road requirements.

**Commissioner and Management Staff Reports:**

**Chairman Olsen** reported on the following topics:

- FRTC Modernization project is moving through Congress. It is a laborious process. We might have some news tonight. That continues on.

**Commissioner Koenig** wasn't present.

**Commissioner Heath** had nothing to report.

**County Manager Barbee** reported on the following topics:

- 200 stalls installed at the Miners Road property. It looks better and better as it goes.

**Sheriff Hickox** was not present at this time.

**Comptroller Wideman** reported on the following topics:

- I emailed the sales tax information. It is down from 2022, however, 2022 for July was really unusual. Sales were around \$877,000 whereas, normally, we get around \$500,000, so we are above 2021, so it is not too bad.
- We got notification that, back in March 2021, there was the American Rescue Act where we got money for COVID response. There was a piece that was for federal lands and we

got notification that we will get a direct pay of \$3.4M and the only limitation is that it is not used for lobbying. We will get another \$ 3.4M in another year. We were awarded \$6.9M from the Treasury. That is over and above PILT payments.

**Civil Deputy DA Sanford** reported on the following topics:

- I am working with Planning on the construction of the courthouse at the end of the month.

**Pam Moore** reported on the following topics:

- Early voting starts in 2 weeks so we are busy getting that ready.

**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:**

Approved: \_\_\_\_\_

  
H. Peter Olsen, Jr., Chairman

Approved: \_\_\_\_\_

  
Greg Koenig, Vice-Chairman

Approved: \_\_\_\_\_

  
Justin Heath, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer



Renae Paholke, Deputy Clerk