

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

February 2, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:29 AM on February 2, 2023.

PRESENT:

Commissioner Harry Scharmann
Commissioner Justin Heath, via telephone
Commissioner Myles Getto
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Deputy Clerk to the Board Pamela D. Moore
Clerk/Treasurer Linda Rothery

ABSENT:

Pledge of Allegiance:

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

Public Comment:

Chairman Scharmann asked if there was any public comment. John Downs said I am retired U.S. Army and a resident of Churchill County. I did not come here as an advocate for one special interest position or another. I simply wanted to make you aware of a situation that exists. I voted in person in the 2022 November General Election. I noticed something rather peculiar. The line of voters stretched well outside the center and it was rather chilly that day and a blustery wind did not help. It was then I became aware of the implied message of disdain for voters by county officials. Inside the center rows of computers sat warm and cozy people waiting to tally votes. The computers only accepted an official voting card and the whole process was overseen by a law enforcement officer. My question is why are a bunch of computers more important than the voters themselves? As far as I can gather, you, our elected leaders, have grossly misplaced your confidence in computerized technology. Not long ago, I asked my county representative to introduce a motion to discontinue computerized voting technology and return to paper ballots. I was told that he checked with the guy who takes care of the computers and he assured me they are working well. I suppose, if that was my job, I would say the same thing. It did not address my original request. Look, anyone who even remotely has the ability to think for themselves knows this whole mail in ballot thing is a joke and is wide open for fraud and abuse. The actions to discourage voters from exercising their right to vote by being made to feel miserable as they wait in the cold until they can use the computer is wrong on its face and anyone can see that. Frankly, I am surprised that Churchill County has not been in the forefront of doing everything it can to restore voter confidence and trust in our system of governments. I am left with the impression that leadership likes things just the way they are, which translates to, they don't care if people think elections are ripe with fraud and voters are made miserable waiting in the

elements. We are keeping these voter machines just the way they are. Every indication is that the elected officials want this mail in ballot situation to continue and expand. Why else would they subject voters who show up in person, who take time off of work and make the effort to drive to the polling place, to then be subjected to whatever mother nature can throw at them. Without even a convenience of an awning or the simplest form of comfort. Even a coffee shop not far away has an outdoor space heater for its patrons who desire to stay outside. Whoever or whatever committee that oversees the election process is responsible for providing such basic comforts sadly failed. Either by design or by lack of attention, care or concern. I am confident the appropriate responding office will note the presence of water coolers and restrooms inside the center. However, voters were not admitted to the facility for processing in a timely manner, causing, at least in my case, a 20 minute wait in the elements. I noted the cool nature of the day to my wife and an elderly lady in front of me turned and said, "It is much worse for me. I am taking blood thinners and I am freezing." You did this. Your lack of planning, use of electronic voting machines, and refusal to admit we tried them and they do not work for the county or our constituents.

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 27th day of January, 2023, between the hours of 2:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

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

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

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

A- December 21, 2022.

The Minutes of the meeting held on December 21, 2022 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Myles Getto made a motion to approve the Minutes of the meeting held on December 21, 2022 as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- January 3, 2023.

The Minutes of the meeting held on January 3, 2023 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Myles Getto made a motion to approve the Minutes of the meeting held on January 3, 2023 as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Reclassification of two Justice Court Clerk Trainees, Faviola Gouveia and Sherry David, to a Clerk position.

Both listed employees have met the time requirements outlined in the county's policy for reclassification and both have performed their duties beyond what is required for consideration for this reclassification.

FISCAL IMPACT: Estimated \$3,000.

EXPLANATION OF IMPACT: The estimated impact for Faviola's reclassification from Grade 42, Step 3, to Grade 46, Step 2, effective immediately is \$1.10 per hour for six months, which equals \$1,056 (plus wage-related benefits). The estimated impact for Sherry's reclassification from Grade 42, Step 3, to Grade 46, Step 2, effective her anniversary date in April 2023 would be \$1.10 per hour for three months, which equals \$528 (plus wage-related benefits).

FUNDING SOURCE: Justice Court Budget.

ACTION REQUESTED: Accept

Judge Ben Trotter made this presentation as outlined above.

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

Commissioner Myles Getto made a motion to reclassify two Justice Court Clerk Trainees, Faviola Gouveia and Sherry David, to a Clerk position. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Annual report from the Churchill County Public Administrator for 2022.

Robert M. Getto, Jr., Churchill County Public Administrator, will provide his annual report for 2022 concerning the office of the Public Administrator.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Administrator Bob Getto reported that I have just completed my second 4-year term and, when I started 8 years ago, I started with absolutely nothing except a cell phone, not even old files. I have built everything from scratch. The first 3 years was a complete learning process and the last 5 were also a learning process because we found that administration of estates are neither black nor white. They are always gray and are always very different shades of gray. The Public Administrator manages the estates of those county residents who die without a known will or next of kin. The Public Administrator can also act on any estate in which the property, like a

house or a car, is deemed at risk so the Public Administrator secures that and oversees that until next of kin can be found. The Public Administrator also acts on those estates when there is a will but, for some reason, the person named in the will to act can't act. Maybe someone has a will where the person who is supposed to act is deceased or maybe there are no other names in the will or we can't find the people in the will. Then the Public Administrator will step in to protect the assets and also protect the creditors because creditors have rights too. Sometimes there is a will and they have specifically gone out of their way to name the Public Administrator as the executor. I have had a few of those cases. Once we figure out if the Public Administrator is going to be involved, that starts a full chain of events, which is different every time and can be quite complex. This is probably the smallest office in the county because it is just me and maybe considered mysterious because no one really knows what I do. I try to go out of my way to make sure that people know that the Public Administrator is a public office and I always encourage questions from the public.

Public Administration in Nevada is all geared through NRS and they watch that very closely. In Nevada, there are 17 counties and, ideally, back when the Constitution was started, they assumed that there would be one Public Administrator for each county. In today's world, that is not the case because we have different variations of Public Administration. There are five counties in which the Public Administrator, by statute, is the District Attorney's Office. That seems to be a good model and works well for those counties. Churchill County is not one of those. When the District Attorney does Public Administration, it is all done in house and runs smooth for those counties. We have a city called Carson City and, in that one, the Carson Clerk's office manages Public Administration. It has been an ongoing problem because it is a big full time job and they don't have the manpower and funding to do Public Administration. They are always struggling to take care of their cases. We also have Lyon County, which is a stand-alone county that went before the Legislature and talked about amending the NRS so that their Public Administrator can be appointed by the County Commissioners. A county, if they choose, depending on the size of the county, if the County Commissioners wanted to abolish Public Administration, they could if they felt they had a better plan to appoint a Public Administrator. In Lyon County, there have been some problems over the decades, so the County Commissioners asked me to manage that county as an appointed Public Administrator. I am now managing two counties, which actually has been beneficial to both counties because as the work volume has picked up, I am now able to be taken more seriously by large banks, DMV, and organizations that don't want to acknowledge the role of the Public Administrator.

Nevada Revised Statutes (NRS) 134 outlines what happens to people's property if they die without a will. The main takeaway is it says succession of separate property, so if you are someone who owns property with somebody else with the right of survivorship, we don't really have to worry about the transfer of the property of the deceased person to the other. There is a high number of people who own real estate as their own separate property. There are many people who have bank accounts as their own separate property and have other assets as their own separate property. People will say what are you going to do one this case but it is never up to me what I am going to do. I am nothing more than the neutral manager of the assets and all the liabilities. The NRS has nine different scenarios on what will happen if someone has property not covered by a will, which is their own separate property. People think the Public

Administrator runs around and does what they want and there is nothing further from the truth. The Public Administrator follows the guidance of the NRS through the court system.

As you go through an estate, if the estate has some assets and liabilities and has some funds left over, if there is no one to receive those funds, those funds eventually they go to the State of Nevada and are supposed to be earmarked for education. At our office, we do a really good job of trying to find out if someone does have relatives. In today's society, we have people across the state who are running from their relatives and we have people whose relatives are running from them. We don't make any determination on why or when or if or how, but if we can find relatives, we do want to notify them that the death has occurred. The first thing we do is try and locate children or parents. From there, I try and find grandchildren or siblings. If we can't get anything with that, we go to great-grandchildren and nieces and nephews. You can go on and on down the line. The estates I manage are generally not big. We only have so much money to work with and it would be nice to spend hours and hours of drilling down and trying to find first cousins and second cousins once removed but it is just not practical. We try and get to those first three levels if we can and we have software that helps with that.

How do the cases come to the Public Administrator? They come from four different ways. My real job is a real estate broker and I go out and try to find clients. It is different in Public Administration; the clients come to me. Very often, they come from the Sheriff's Department and they do an awesome job if they find a decedent somewhere. If they can't find next of kin quickly and easily, they will call me and say we have a person here with no next of kin and we need you to secure the property until things settle down. The Sheriff's Department is extremely helpful in me getting my job done. Social Services does a tremendous job of monitoring the wards of the county. They have the Public Guardian's office and, if one of their wards were to pass away, generally, the ward is part of that because there are not family members or there were issues with the ward. If one of those were to pass away, I will get a call from Social Services and then I will take the estate from there to close out the assets and all the liabilities, if there are any. If there are not, we still have to take care of the folks, respectively, and the county will pay for cremation of indigents and that is a whole different side operation and we work closely with mortuaries to make sure someone is taken care of. Another way I get calls is from the mortuaries themselves. They call and say we have had a person here now for weeks and we can't find family. No one has shown up here and we need your help. Or the family may have suspended communication with the mortuary and has no intention of stepping forward, so I will open a case to find out what we can do to assist to have that person taken care of. I also get calls from family members who say my relative has passed away but they have no intentions of doing anything for personal or financial reasons and it is up to me to take care of this. That is the right of any person. They are not mandated to step forward if they don't want to.

To do a case, depending on the complexity, I keep an average time of all of them because some are very easy and can be closed in a matter of weeks or months. Some are not and they will go on for years. If you average this all out, it takes about 10-12 months of effort to process a case.

I have a call center that is operated 7-days a week and is taking calls all throughout the night in case I can't take the calls and, so far, over the last 5 years, I have started 335 cases. There have

been 33-35 individuals who I have had to look into. Not all of those have gone for a full service case. There are about 101 cases of those 335 that have gone full service. Right now, I have 18 cases in some form of openness. Full service is where it starts. You get a decedent in and then we have to identify who they are and if they have family. I get a lot of misinformation on accidents and I get a lot of it on purpose and I have to separate all that out. I need an attorney to help me through this for legal purposes. Some of these estates don't pay money and I still need an attorney and it is not easy to find one who might want to work for free. They are busy and they don't have to take my cases but we have probably 5-6 great attorneys that practice probate here and they will step forward but they are not always greeting me with open arms. After we get an attorney situated, then we have to discover the assets and all the liabilities. A lot of people live on credit and those creditors have the right to say they want their share of whatever there is. We have to change all the mail to my address so the mail is heavy each day. We go through that and we can discover what is in a person's background. Once we get the mail sorted out, we are usually able to find banking and try to contact them to find out what assets there are. It is unfortunate that the big banks do not want to cooperate with our court orders. It is a problem statewide. They feel that because they are not a Nevada corporation, they don't have to respond and will take weeks to respond. It is not right and I don't know what we can do about it, but it is an ongoing problem. We also have to work with the DMV to figure out title issues and very often, we will find out the license plates don't match the VIN number. That all has to be figured out. Once I identify creditors, then I have to send notices to them and see if they are going to file a claim against the estate. We have to go the person's residence and we have to separate what is meaningful business from personal business. Sometimes they are neat and tidy and sometimes are organized and some are a disaster. Whatever it is, we have to sort all that out. We inventory everything and then try and convert the real estate and the other assets to cash so we can satisfy the creditors. We have to work with realtors, appraisers, and mortgage lenders to help get the property marketed and we have all the court action that we have to follow through. Once we get almost to the end, we have to deal with the IRS and they are very interested in what the deceased has and often we will do a tax return. Like the attorneys, we don't have a lot of CPAs that want to work for free but they do step forward and I am very appreciative of that. That is an overview of full service, which is a lot.

Thankfully, through Social Services, they provide funding to help us do the bare basics. They provide funding to my office of about \$7,000 per quarter. That comes in extremely helpful. With that, I cherish that very carefully. That helps me pay for a copier lease, utilities, postage, which is tremendous for me. All of my mail goes out with priority tracking, which is about \$9 per letter and I send out a lot of them. You have to prove you are making an effort to the public and things are getting done right. I have invested in some awesome software, which was not easy. I go through Lexis Nexis, which allows me to go and track social security numbers and banking to prove my office on how it was set up. The software is expensive and I have the call center that answers the phones for me 24-7 so I can deliver good customer service. I have to have death certificates. Social Services is not designed or set up for that. Banks will not talk to me without one. I have to pay for those and I have a lot of locksmithing that has to be done. I did buy a lock pick kit and I can pick easy locks, so that saves a little bit of money there. With people's stuff, I have to store it until we figure out what is going to happen, so I have to pay for storage facilities. All of that happens on a monthly basis and that is what I protect with that stipend that I gladly

receive every month.

Over the last 5 years, I have accumulated 22,800 documents. These are peoples gas bills, credit card bills, death certificates, marriage licenses, mortgage information and title reports. To manage those documents, it is hard for me to keep going on my computer, so I have been able to locate a consultant called Square Nine and they are software developers and they are developing specific software for me and Public Administration so I can track these documents and these cases. This will be designed for Public Administration. I have checked to see if that is out there and have not been able to find something like that. I found stuff for guardianships and for estate management and the management of parcel numbers, so this is my own little program just for me. That is going to go online this quarter and is a learning curve and will get me slightly behind schedule but I will be able to get that going and it will be very helpful.

I want to talk about how I get paid. Everybody wants to know how I get paid. I want the public to know how I get paid. It is important. We have my cases that I divide into billable and non-billable cases. Nevada has a system called a 432 system in the statutes. The first thing you do is get 4% of a person's \$15,000 in assets then you get 3% of a persons \$85,000 in assets and then you get 2% of every \$100,000 thereafter. NRS says you can be compensated on the management of the person's property. Churchill County says I can do that and my rate is \$70 an hour, so I use my complicated percentage and I take your rate of \$70 an hour, which I appreciate, and that will total what my fee is going to be. It works great except we have the non-billable cases that are people who have absolutely nothing. We had a person not too long ago in a camper shell behind Walmart pass away and the camper caught on fire; there is nothing. The work still has to be done. You still have to investigate whether he has anything. Other people pass away and they don't have \$15,000 in assets; they have \$500 and that is it. You can apply the bill to that, so what I did is a little scenario, if someone has \$2,500 in the bank and they have a \$1,000 car and live in an apartment that is subsidized, what they have is about \$3,000 in assets. When you use the state formula that means for my 12 months of work, I get about \$120-\$200. What if the person has \$10,000 in the bank, which not a lot of people have, and they have a \$2,000 car and live in an apartment, if they have that much maybe for the 10 months of work I put in, I might get \$480-\$600, maybe. This is all approved by the court done with open eyes. Once in a while, someone will pass away and let's say they have \$50,000 in the bank, which is far and few between, they have a car that is \$4,000, and they have a house that is \$300,000, but the loan balance is near \$300,000. A lot of folks have a house that is not paid off. They might have some furniture. When you do the formula, then the Public Administrator gets \$1,800-\$2,800 from the estate. That includes the \$70 an hour. You have to run this like a business and that is what we are doing and it is going smooth and there are no complaints here.

Chairman Scharmann said about how any cases do you deal with each year? Bob Getto said I should have averaged that out but we know that right now I have about 18 cases and we are talking full service, so I would say about 20 per year. A lot of those are indigent and don't have wills or anything like that. Each one of those without a will should be classified as indigent. I do have a few cases where the whole will process has fallen apart for various reasons and I am invited in by the family or the court. Chairman Scharmann said does Lyon County compensate you the same way we do? Bob Getto said yes, they have the same format. It would be nice if we

could have like a tri-county Public Administration and that way counties could fund that office and have a staff member with insurance and benefits, which I think would work slick. If they could break it by judicial district instead so the Public Administrator is working with the same judge and that type of thing. Chairman Scharmann said you said the attorneys are not compensated at all; they have to work pro bono? Bob Getto said sometimes we try to work it out with them if we have a little bit of money. They have their own formula and we will divide up what little balance there is and be glad we served another county resident. Chairman Scharmann said let's take the case of the man in the camper. How long does a case like that take for you? Bob Getto said it takes about 20 hours if I do really good diligent research. I really worked hard on finding out this guy's social security number, which we do get and then I have the software to find next of kin and I do spend about 20 hours of due diligence. Some of them are faster. Commissioner Myles Getto said if you do find next of kin and they want to take it over then you are out of the picture? Bob Getto said I hope they want to take it over. It depends. If they are next of kin and live in Fallon or in Nevada, I encourage them to do this and manage the estate. I have had indigent people who pass away who in turn inherit money from another estate. I have one right now and this lady inherited \$18,000 from her family and was trying to live on that but didn't live and now I have that money, which I will have to disperse the correct way. If you die in Nevada without a will and if you have separate property, even if you have next of kin that live in Montana or wherever, they can't administer the estate. Only Nevada residents can do that. That is problematic. There are reasons why. Everything is gray. Chairman Scharmann said are you dealing with a lot of illegal aliens? Bob Getto said I am not. Surprisingly not. I have not run into that at all and the other thing I watch is for ballots that come in. You always hear how deceased people are voting like crazy but I only received one or two which tells me that the county is doing an awesome job. I don't know how they do it but they are doing as awesome job. Chairman Scharmann said thank you for what you do. Joe might throw something at me but, on the public comment, we are not allowed to comment but Churchill County is really clean. We do our elections and they are very clean and what you do to go over and above, we really appreciate it because we don't hear any bad comments. The main thing that we heard was that Lyon County saw that you were doing very well and they wanted your help. Bob Getto said that was supposed to be a 6-month thing and now I have been with them for 7 years. With the two counties together, I makes me stronger and better in working with the municipalities and banks and offices because now I am hammering on them so frequently that they pay attention. Before, if you only had contact with a bank every few months, they forget who you are or staff changed and now they dedicate people to me and it has been helpful.

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

Commissioner Myles Getto made a motion to accept the report as provided. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Approval of a Performance Agreement between Picotte Segura Holdings, LLC and Churchill County that outlines a one-year period to complete the commercial driveway improvements at 2030 & 2040 Reno Highway.

The Applicant has submitted a map to split a parcel for the businesses located at 2030 & 2040 Reno Highway so that each business can exist on their own parcel. As a part of this parcel map split, the Applicant must install the urban street improvements, which include a shared driveway,

curb, gutter, and sidewalk. Churchill County Code 16.12.030.3 allows for a developer wishing to record a parcel map(s) to enter into a Performance Agreement and post a security bond to ensure that the required improvements will be completed. The Applicant has requested to post a security bond with a completion period of 1 year so that the parcel maps can be recorded. The bond will be in the amount of 110% (\$57,062.50) of the estimated cost of the commercial approach improvements, which were provided in the form of an estimate from a local engineering firm. Churchill County Code requires that the Board of County Commissioners agree to this one year duration.

FISCAL IMPACT: \$0.00.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to approve the one-year completion period as outlined in the Performance Agreement for Picotte Segura Holdings, LLC to complete the construction of the shared commercial driveway improvements for the parcel split located at 2030 & 2040 Reno Highway. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Approval of a Class Specification for District Attorney Systems Administrator, assignment of the classification to Pay Grade 50, and reclassification of a Legal Secretary to their new position.

The District Attorney's Office has an employee, Shannon Perez, who has been performing duties that go beyond her current classification of Legal Secretary. She has been tasked with several duties related to administering the computer systems for the department. These additional duties are similar to duties that are in the class specification (job description) for the Court Systems Administrator position. Because of this, the District Attorney has asked Human Resources to draft a class specification for a similar position in the District Attorney's Office called District Attorney Systems Administrator. Along with the duties related to computer systems, the position will also act as a lead worker for the office when the Legal Office Services Supervisor is out of the office.

In recommending a pay grade for the position, this position is equivalent to the Court Systems Administrator, so the same Pay Grade is recommended, which is Pay Grade 50 (\$24.49 to \$32.93/hour).

If the class specification and Pay Grade are approved, staff seeks approval to reclassify Ms. Perez to that position, effective February 6, 2023 (the first day of the next pay period following approval). She would receive a two-step increase (5%) above her current rate of pay.

FISCAL IMPACT: Approximately \$1,511 in FY 23.

EXPLANATION OF IMPACT: The impact calculates the increased wages and benefits from

2/6/23 through the remainder of the current fiscal year.

FUNDING SOURCE: General Government.

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to approve the class specification for District Attorney Systems Administrator, appoint it to Pay Grade 50, and approve the reclassification of a Legal Secretary to the position, effective 2/6/2023. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Annual renewal notice and approval between Churchill County and Altor National on behalf of the Central Nevada Health District Health Officer Liability Insurance of \$10,377.53 annually.

Churchill County provides medical liability insurance for the District Health Officer, Dr. Tedd McDonald, M.D., per Contract. The current Health Officer contract is between the Central Nevada Health District and Dr. McDonald's from December 8, 2022, to June 30, 2023.

Currently, the CNHD is obtaining all required business authorizations, so the Contract has been maintained via Churchill County until completed. The CNHD has approved the Contract with the Health Officer and the terms to provide the policy. The policy is part of costs reimbursed by the State of Nevada funding passed through CDC Workforce Development Grant and included in the 6-month CNHD transition budget.

The current cost is \$10,377.53 from \$8,216.41 based on the agreement going from one year to two years.

FISCAL IMPACT: Increase of \$2,161.12.

EXPLANATION OF IMPACT: The binding increase from one year to two years.

FUNDING SOURCE: CDC Workforce Grant/state pass-through funds.

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to approve renewal as presented and to authorize the Social Services Director to execute on behalf of Churchill County. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Appointment of Andrew Howells to the Churchill County Advisory Board to Manage Wildlife.

County Advisory Boards to Manage Wildlife (CABs) are appointed by County Commissioners from all 17 Nevada counties to serve three (3) year terms. The County Advisory Boards to Manage Wildlife are responsible for advising the Nevada Wildlife Commission, particularly

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

The Churchill County Advisory Board to Manage Wildlife consists of five (5) members serving staggered three (3) year terms. Gary Cordes was serving a term through June 30, 2024 but passed during his term. A Notice of Open Appointive Position was published in the *Lahontan Valley News* on December 1, 8, and 15, 2022. A total of three applications were received from: Aubry Burgess, Dana Weishaupt, and Andrew Howells.

County Manager Barbee and Chairwoman Peggy Hughes conducted interviews of the three applicants and recommend that Andrew Howells be appointed to fulfill the unexpired term through June 30, 2024.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Jim Barbee made this presentation as outlined above.

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

Commissioner Myles Getto made a motion to appoint Andrew Howells to the Churchill County Advisory Board to Manage Wildlife, to fill an unexpired term ending June 30, 2024. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Letters Received:

A- Nevada Division of Environmental Protection notification of its concurrence with the response to NDEP Comments on the Draft Interim Remedial Action Completion Report for NOU Sites 2, 3, and 4, Naval Air Station, Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP), has reviewed the response to NDEP comments on the Draft Interim Remedial Action Completion Report for NOU Sites 2, 3, and 4, Naval Air Station, Fallon, Nevada (RTCs to the Draft iRACR). The RTCs to the Draft iRACR were received by the NDEP via electronic mail on January 4, 2023 and were prepared by Multi-MAC JV. The RTCs to the Draft iRACR satisfactorily address the NDEP comments. The Draft iRACR may be finalized at the Navy's convenience.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- The Nevada Department of Health and Human Services, Division of Public and Behavioral Health Immunization Program provides notice of the final monitor visit report related to the site visit held on November 17, 2022.

The Nevada Department of Health and Human Services, Division of Public and Behavioral Health Immunization Program provides notice of the final monitor visit report related to the site visit held on November 17, 2022. We appreciate the time you took to spend with us during the site visit and all the great work you are doing to help increase immunization rates in Nevada.

At this time, we are not recommending any Performance Improvement Plans. Please do not hesitate to contact the Nevada State Immunization Program if you have any questions or concerns.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- NDEP - Review of the Corrective Action Report for the Trinity Truck Stop related to a spill/release discovered in 2000.

The Nevada Division of Environmental Protection (NDEP) has reviewed the Corrective Action case file for the referenced facility (Site). The open Corrective Action case relates to a historical release of petroleum hydrocarbons from a former Aboveground Storage Tank (AST) system and/or associated product piping and fuel dispensers. The release was discovered in 2000 during due diligence environmental investigations conducted by Kingfisher Sand and Gravel for a property transaction. The release was determined to impact groundwater at concentrations above the U.S. EPA Maximum Contaminant Levels (MCLs) for drinking water.

According to the Corrective Action case file, the last report submitted for the Site was the Remediation and Free-Phase Product Monitoring Report-Third Quarter 2003 (Report), dated November 2003 and submitted by McGinley and Associates on behalf of Kingfisher Sand and Gravel. The Report documented the continued presence of free-phase petroleum hydrocarbons at thicknesses ranging from 2.26 feet to 5.94 feet, above the Nevada State Action Level of 0.5 inch (NAC 445A.22735 and NAC 445A.2274). The NDEP made subsequent attempts to ascertain the status of Site remediation in letters addressed to Kingfisher Sand and Gravel dated April 26, 2005, February 13, 2007, and May 20, 2011; however, it appears that no substantial cleanup efforts have been made since 2003.

Based on property ownership records obtained from the Churchill County Assessor's Office, Kingfisher Sand and Gravel maintained ownership of the Site from April 2000 until June 2021, at which point, the property was transferred to Churchill County via a Treasurer's Tax Deed. Kingfisher Sand and Gravel regained ownership of the property in June 2022 and is listed as the current owner.

Given Kingfisher Sand and Gravel's demonstrated continued interest in the property, the NDEP requests the following:

1. Kingfisher Sand and Gravel's planned long-term disposition of the property, and
2. Kingfisher Sand and Gravel's ability to renew Site remediation efforts necessary to bring the Open Corrective Action case to closure. The NDEP has determined that, at a minimum, a groundwater monitoring event will need to be conducted using new or existing Site monitoring wells to determine the current status of the hydrocarbon plume in groundwater, and the need to resume groundwater remediation based on current monitoring data.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED:

Old Business:

A- Consideration and possible action re: Appointment of Pete Olsen to serve as one of Churchill County's representatives on the Central Nevada Regional Water Authority (CNRWA) Board and to assign Jim Barbee as the Alternate.

The Central Nevada Regional Water Authority (CNRWA) is a unit of local government established by agreement of member counties in the fall of 2005. The agreement is pursuant to the provisions of Chapter 277 of NRS (Interlocal Cooperation Act). The CNRWA's mission is to protect the water resources in member counties so these counties will not only have an economic future but their valued quality of life and natural environment is maintained. The CNRWA's focus is on gathering, discussing, and disseminating information. CNRWA has nine (9) member counties (Churchill, Elko, Esmerelda, Eureka, Humboldt, Lander, Nye, Pershing and White Pine). Each member county may appoint 1-3 board members. The Board of County Commissioners in each county appoints their representatives; Churchill County currently has 3 board members: Myles Getto, Norm Frey, and Jim Barbee with Bjorn Selinder as an alternate.

Former Commissioner Pete Olsen previously served on CNRWA for many years, and has gained valuable institutional knowledge from this important board. It has been traditional to have former Commissioners and County Managers remain involved, as willing, due to the complexity of water issues, for the benefit of the county. County Manager Jim Barbee felt it would be helpful to have Pete Olsen continue serving, and thus Jim would take on the role of an alternate. Action is being sought to appoint Pete Olsen as one of the County's members on the CNRWA Board and appoint Jim Barbee as alternate.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Jim Barbee made this presentation as outlined above.

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

Commissioner Myles Getto made a motion to appoint Pete Olsen as one of the county's representatives on the Central Nevada Regional Water Authority and appoint Jim Barbee as an alternate. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: Increase in the hourly allowable rate for Department of Indigent Defense Conflict Counsel from \$100/hr to \$150/hr.

Pursuant to Churchill County's Indigent Defense Plan adopted on June 15, 2022, we have worked to comply with all statutory requirements and implement a structure to support indigent defense services in our community. As outlined, the county established an in-house Public Defender's Office, an in-house Alternate Public Defender's Office, contracted with an Appointed Counsel Program Coordinator (Sevon Consulting, LLC), and contracted with an attorney for conflict counsel.

Our current structure provides for two different in-house Public Defenders who work independently, which lessen the number of cases that go to our contracted conflict counsel, Charles Woodman. In the event that a case cannot be taken by the county's employed Public Defenders or our contracted conflict counsel, that case goes to our Appointed Counsel Program Coordinator, Sevon Consulting, LLC, to assign to a Department of Indigent Defense (DIDS) approved attorney. The statutory rate of pay for a DIDS approved attorney is \$100 per hour, which is still the same rate set by statute in 1960's or 70's and hasn't changed since and the same rate of pay is provided for travel. Although our new structure will result in fewer cases being assigned to DIDS approved attorneys via our Appointed Counsel Program Coordinator, there are challenges trying to attract attorneys to pick-up these cases because our neighboring counties (Lyon, Douglas, Carson, and Washoe) have increased their rate of pay to \$150 per hour.

Prior to our Appointed Counsel Program Coordinator, when DIDS was assigning conflict counsel and encountered issues garnering interest from qualified approved attorneys in proximity to Churchill County, counsel from other areas like Elko, was used, which resulted in the county paying significant travel costs, as the rate of pay for an hour of time is the same whether the attorney is in the courtroom or a car. In order to attract and assign conflict cases to DIDS approved attorneys, the county needs to be competitive with surrounding areas. This proposed change will ensure we are in alignment with pay rates, and will help ensure the county is meeting its obligation to provide qualified, accessible indigent defense.

FISCAL IMPACT: Increase of \$50 per hour for DIDS approved conflict counsel.

EXPLANATION OF IMPACT: Rate increase from \$100 per hour to \$150 per hour for DIDS approved conflict counsel does increase the rate of pay by \$50 per hour, however, it helps ensure we are competitive with surrounding counties, so that Churchill is not having to use attorneys from further distances, incurring additional travel expenses, so there is some level of trade off in that regard. The exact impact is variable depending on the number of cases assigned. With the county's new structure, in time, (estimated 1-2 years) we expect to see fewer and fewer cases

having to be assigned to outside conflict counsel.

FUNDING SOURCE: Indigent Defense Budget: 100-248

ACTION REQUESTED: Accept

Julie Guerrero, Administrative Services Manager, made this presentation as outlined above.

Sue Sevon with Sevon Consulting said I believe this is an appropriate increase. The Department of Indigent Defense (DIDS) was considering making it a statutory change. Washoe County just recently changed to \$150 per hour. Lyon and Douglas have been paying that for quite a while. The amount that Douglas County spends on Indigent Defense, because all of their attorneys are under contract, is substantially higher than Churchill County is, even with this new split-out. You have a Public Defender who reported over 800 hours of time for his last quarter. There was a conflict attorney that reported about 300 hours and another that reported about 50 hours. You can see how the cases are staying here and being handled. I have not appointed new counsel to a new case outside of those 3 for probably a month or more right now, so the new system is doing well. It is going to cause an equaling out of what the Indigent Defense budget is for Churchill County. The state is looking at what we have to do and they are reimbursing us and I think this year we will see a reimbursement from them to help offset some of the costs that we are incurring. Every quarter, I submit a financial report to them showing what we have done and what our Public Defenders, Alternate Public Defenders, and our Conflict Attorney are costing us and all of the other things that are considered required expenditures by the county for Indigent Defense. We have a baseline and, if we exceed that, they look at that and determine what we may get back.

County Manager Jim Barbee said our baseline was determined a couple of years back based on what we were spending before we basically reorganized the Public Defender's Office and made them employees versus contract, so that is where the base comparison comes from. Deputy District Attorney Sanford said there is a statute related to this. I have done quite a bit of research on this, but the other counties have taken this position and there is some statutory authority as a commission to allow for this increase. Chairman Scharmann said what attorney do you normally go to? Ms. Sevon said the Department of Indigent Defense qualifies these attorneys to handle certain types of cases. I have a list of 50-100 attorneys in the state. Typically, I reach out to attorneys in Washoe and Douglas Counties because they are the closest to us. Charles Woodman is the one, if the others cannot handle the case because of a conflict, and then, if Charles has the conflict, then I look for one of the others. It depends on what kind of case it is. They have the right of refusal, so I have a whole list. Most of the counties are finding they need these outside counsels with these additional cases.

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

Commissioner Myles Getto made a motion to increase the hourly allowable rate for Department of Indigent Defense approved conflict counsel to \$150 per hour, effective February 1, 2023. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Approval of a Water Rights Deed with G-M Fallon Land Investments, LLC returning banked water rights in the amount of 147.5 acre-feet.

G-M Land Investments, LLC entered into a Water Rights Banking Agreement with Churchill County in April of 2012 for the provision of water to the Fallon River Park project. The Water Rights Banking Agreement transferred 150.00 acre-feet of underground water rights to the county in contemplation of future development. The tentative subdivision map and development project for River Park terminated in October of 2022 and the developer no longer wishes to continue with development.

G-M Land Investments, LLC requested a return of 147.5 acre-feet of water. This request is authorized under the terms of the Agreement and the attached Water Rights Deed completes this transfer. The water rights are presently utilized at the Wild Goose Ranch property and notice will be provided to the tenant that the water has been transferred.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to approve and to direct the Chair to sign the Water Rights Deed with G-M Fallon Land Investments, LLC. Commissioner Harry Scharmann seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Notification of the filing of an Appeal of the Planning Commission's denial of a Temporary Use Permit (TUP) for temporary quarters or general purposes filed by Ruth Miller for property located at 4810 Schindler Road, Fallon, Nevada, Assessor's Parcel Number 006-292-48, consisting of 5.03 acres in the A-5 zoning district whereby the Appellant proposes to have some people live in an RV on her property because they are homeless and request to set the appeal hearing for February 15, 2023 at 1:45 PM.

An Appeal was filed by Ruth Miller of the Planning Commission's denial of a Temporary Use Permit (TUP) for temporary living quarters for general purposes for property located at 4810 Schindler Road, Fallon, Nevada, Assessor's Parcel Number 006-292-48, consisting of 5.03 acres in the A-5 zoning district, whereby the Appellant proposes to have some people live in an RV on her property because they are homeless. The board is requested to set the appeal hearing for February 15, 2023 at 1:45 PM.

FISCAL IMPACT: The appeal fee is expected to cover the costs for publication of the legal notice and postage fees.

EXPLANATION OF IMPACT: A public hearing notice must be published and notification letters must be mailed. With this appeal, the fees collected are expected to cover the costs of publication and postage.

FUNDING SOURCE: 100-120-56800 General Fund.

ACTION REQUESTED: Set Public Hearing.

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

Chairman Scharmann said does she use this mobile home for homeless? Dean Patterson said it is a little more complicated. I think she became acquaintances with these folks and they had a rental and then the landlord sold the property. Deputy District Attorney Sanford this is only to set a hearing for this so we can't discuss it or present evidence without the Appellant here.

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

Commissioner Myles Getto made a motion to set the public hearing for February 15, 2023, at 1:45 PM to hear the appeal. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Approval of a Memorandum of Understanding with the Bureau of Land Management related to sage grouse management.

The Bureau of Land Management continues to work on updating the Resource Management Plan and environmental impact statements related to the sage grouse population. The most recent management plan was stayed by court order, so the agency is seeking further cooperation with local governments in updating the plan. This MOU establishes Churchill County as a cooperator, giving us a seat at the table in all critical discussions related to the sage grouse. Churchill County is not committing to any position through signature of this MOU.

Jeremy Drew, with Resource Concepts, Inc., will be our contact person for this activity. He is familiar with this topic and the substantial interests of all the parties involved.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to approve and direct the Chair to sign the Memorandum of Understanding as presented. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consent Items:

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

A Fund Balance Report is attached indicating the beginning balance, receipts, disbursements,

and the ending balance of each fund for Churchill County as required by NRS 251.030 and NRS 354.290.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Sheriff's Civil Report for December 2022 showing a total of \$16,642.00 in revenue for the month.

Sheriff Richard Hickox provides his Civil Report for the month of December 2022 showing a total of \$16,642.00 collected as revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$16,642.00.

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

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

C- Consideration and possible action re: Treasurer's Report for December 2022 showing a balance of \$52,430,368.23 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for December 2022 showing a balance of \$52,430,368.23 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

D- Consideration and possible action re: Justice Court's Quarterly Reports for the period of October 2021 - September 2022, showing a total revenue in the sum of \$476,743.92 to the county and \$327,633.15 to the state.

Justice Court's Quarterly Report for the period of October 2021 - September 2022, showing a total revenue in the sum of \$476,743.92 to the county and \$327,633.15 to the state. Further details can be found by reviewing the report provided for the board's consideration and acceptance.

FISCAL IMPACT: \$476,743.92

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

FUNDING SOURCE: General Fund..

ACTION REQUESTED: Accept

E- Consideration and possible action re: Churchill County's Quarterly Report to the Department of Taxation regarding Churchill County's Economic Condition for the quarter ending December 31, 2022.

Provided for the board's review and consideration is the Quarterly Report of Churchill County's economic condition for the period ending December 31, 2022, which is prepared in accordance

with the Nevada Administrative Code (NAC). This report must be submitted to the Department of Taxation within 45 days of completion of the prior quarter. A signed copy will be forwarded to the department in a timely manner and this is provided for the board's review.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Consider Future Agenda Items:

County Manager Jim Barbee said he will be bringing forward a consolidated project list for the board to prioritize to meet the August deadline for submittal of grants.

Commissioner and Management Staff Reports:

Chairman Scharmann reported on the following topics:

- We had a really good meeting with the Mayor where Jim outlined the projects that we are looking at, if funded. It was a good meeting. We talked about a few other things, as well.

Commissioner Heath had nothing to report.

Commissioner Getto reported on the following topics:

- I attended a water rights class in Reno. There was a lot of different information, which is a very touchy subject for Nevada.

County Manager Barbee reported on the following topics:

- I was at the same conference. It was a good one.

Comptroller Wideman reported on the following topics:

- I sent out the sales tax report for November. We are up .9% from the same period last year.

Sheriff Hickox was not present.

Civil Deputy DA Sanford reported on the following topics:

- We are just working on the Legislative plan for the county. We will bring that forward at a later date.

Clerk/Treasurer Rothery was not present and nothing was reported.

Claims and Payroll Transmittals:

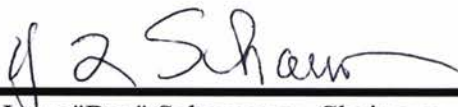
The Claims and Payroll Transmittals were submitted for the board's consideration and approval.

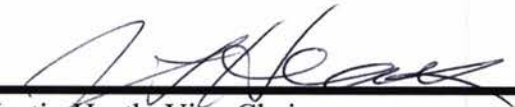
Public Comment:

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

Adjournment:

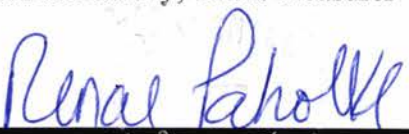
The meeting was adjourned at 9:52 AM.

Approved: 
Harry "Bus" Scharmann, Chairman

Approved: 
Justin Heath, Vice-Chairman

Approved: 
Myles Getto, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer


Renae Paholke, Deputy Clerk