

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

February 15, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 1:15 PM on February 15, 2023.

PRESENT:

Commissioner Harry Scharmann
Commissioner Justin Heath
Commissioner Myles Getto
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Deputy District Attorney Jeff Weed
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. Nalani Page said I initially came the other day to make you aware of what is going on with Ruth Miller's case and her request for allowing a homeless individual to stay at my property. Chairman Scharmann said do you want to hold off and wait until the appeal item is heard to make your comments? She said, can I finish my speaking? Mr. Scharmann said this public comment is intended for items that are not on the Agenda. Ms. Page said I would like to say that is how I originally came to this meeting. In the pursuit of finding more information for her case, I pretty much had my fill with the county and the completely, it is making me shake just thinking about it, disrespectful, prejudicial, discriminatory, bigoted behavior of county employees. It is utterly disgusting to hear a county employee speak of a disabled homeless individual saying "Well, if they are eventually going to move out, why don't they just do it right now? I bet they could find somewhere else to live. They don't pay taxes, so the county doesn't have to take care of them. They should find somewhere else to live since they don't pay taxes". Basically, saying that they are less than human and have less than normal rights. The hate bigoted commentary I am getting constantly from my co-residents is along the same lines. It is hatefulness, targeted, predatory criminalization of poverty in this town. It is a gross misunderstanding of the huge homelessness issue in this town. For the record, I do work for the state and I am here on my own time and I don't represent the state in any matter. I am very well aware of the homelessness issue in this city, and yet, from everyone I hear, those who are in very privileged positions who have never experienced this situation think that these people don't deserve to be here and they should just leave. We are talking about generational families. I have been lucky enough that when I experienced being placed out of work that I was able to make it through due to COVID. COVID

supplied me with enough leverage to keep my home. Otherwise, I would have been facing the same homelessness that I hear county members talk down to and talk bad about people. I have had county members tell me that I should just move to Reno. This is just a suggestion. Something needs to be done. There needs to be an advisory board where people can make complaints and the county doesn't make this third party circus where you have to jump through hoops to make a complaint and that people are all held accountable for their discriminatory behavior, Mr. Barbee. Yes, that is pointed at you. Chairman Scharmann said do you have anything else? You have 30 seconds left. Nalani Page said you guys need to start stepping up and start changing the social consciousness of the area, the community. Changing it to where poverty and homelessness are not criminalized or even targeted or looked down upon. There is nothing that these people can do to work harder or get any further jobs and that would actually make me very happy just to hear the county take accountability and start making these changes because language like this isn't heard unless it is accepted in the workplace.

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 9th day of February, 2023, between the hours of 3:00 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 revised:

**Commissioner Justin Heath made a motion to approve the Agenda as revised.
Commissioner Myles Getto 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 Departmental Tours.

The Minutes of the Departmental Tours conducted 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

B- January 3, 2023 Departmental Tours.

The Minutes of the Departmental Tours conducted 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

C- January 18, 2023 Departmental Tours.

The Minutes of the Departmental Tours conducted on January 18, 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

D- January 18, 2023 Regular Meeting.

The Minutes of the regular meeting held on January 18, 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 December 21, 2022, Departmental Tours, January 3, 2023, Departmental Tours, January 18, 2023, Departmental Tours, and January 18, 2023 regular meeting as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Appointments:

A. A- Consideration and possible action re: Update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District.

A representative from the Bureau of Land Management will provide an update on programs, activities, and plans related to the Carson City District of the Bureau of Land Management.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

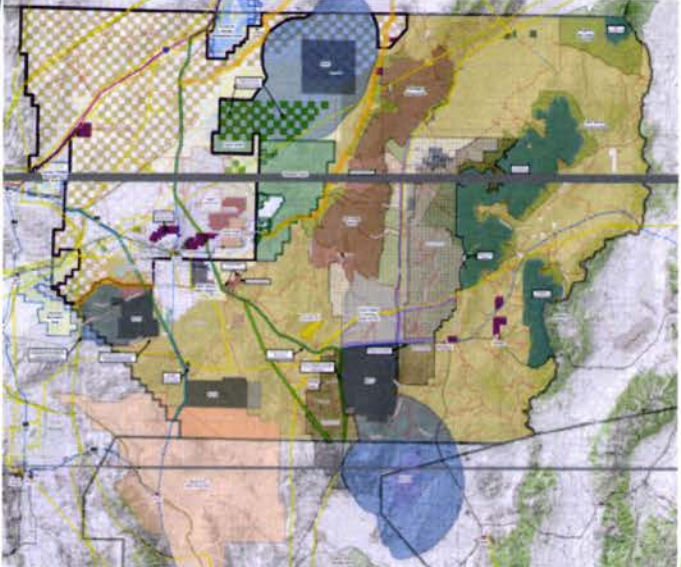
FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Mark Mazzo, from the Stillwater Field Office of the Bureau of Land Management, had the following PowerPoint presentation:

National Defense Authorization Act - BLM

- ▶ BLM is compiling a list of questions unanswered by the legislation, will require new positions and funding to address this workload
- ▶ Attorneys are interpreting the legislation to determine some of the next steps and unanswered questions
- ▶ Designated Wilderness Areas in Churchill and Lander Counties and released remaining associated WSAs
- ▶ Numu Newe - Special Management Area (Mineral and Churchill County)
- ▶ Numunaa Nobe National Conservation Area (Churchill) - Around Grimes Point
- ▶ Many unanswered questions about grazing and how permittees will be affected when areas are closed to grazing



County Manager Barbee said who is going to be in charge of implementation here? Is it going to be the District Manager, is it going to be the Assistant at Stillwater, or is it going to be the state office? Mark Mazzo said I am not sure on that. I think it will be at the district or the state office level. County Manager Barbee said I know that we have already had some preliminary meetings around some of this. We were heavily involved in the legislation. None of the bombing ranges can be developed until all of these commitments are met. My concern is that your priorities appear to be the Wilderness and the Special Management Areas and around Grimes. One of our priorities is the transfer of direct conveyance of lands and the staffing that it is going to require. I appreciate that you are trying to get the numbers of staff and how that is all going to be bought and what that number is going to look like to submit to your budget moving forward, but I hope we are also taking a really good look at some of the funds involved in Southern Nevada Public Land Management Act (SNPLMA) because I think that is opened up for use as part of this implementation piece and I know the State Director of BLM has a fair amount of authority over that fund and that was why, specifically, part of that was opened up for this implementation was so that we are not held up waiting for budgets to be approved in Washington and some of those kinds of pieces. I just wanted to put out that we are really concerned about the land conveyances and municipal recreational conveyances and then, on the grazing areas, it is pretty clear in the language and what the intent was in terms of what was brought forward, which was largely Congressman Amodei that was looking for alternate areas that those producers can use and then, if alternate areas cannot be identified that definitely would be the preference and the priority, maybe that is new areas that have been closed and reopened, that there is a full evaluation of the total value of, not only the grazing permits, but the grazing permits impact on the private property ranch and then having to come up with a number that would make those grazers whole. I want to reconvey our intent and our understanding of what the outcome on that is supposed to be. In the meantime, until all those things are accomplished, why would there be concern about between now and year 7 when they start putting a fence up, they would stay multiple use. They wouldn't be withdrawn because they are not able to close them off until all those projects are met, so it shouldn't impact the grazers at all until they are either given alternative grazing or they are bought out, correct? Mark Mazzo said I would hope they would go that way. My understanding right now is with the DOD lands being conveyed, they would be authorizing the grazing and we are trying to figure out what that looks like. They know that those areas that are going to the bombing ranges are going to be closed to grazing, so the allotments that won't be fenced for 7 years, the last ones to come online, how are we going to manage those between now and then would maybe be authorizing the grazing with BLM. Those are questions that we are asking our attorneys to figure out for us.

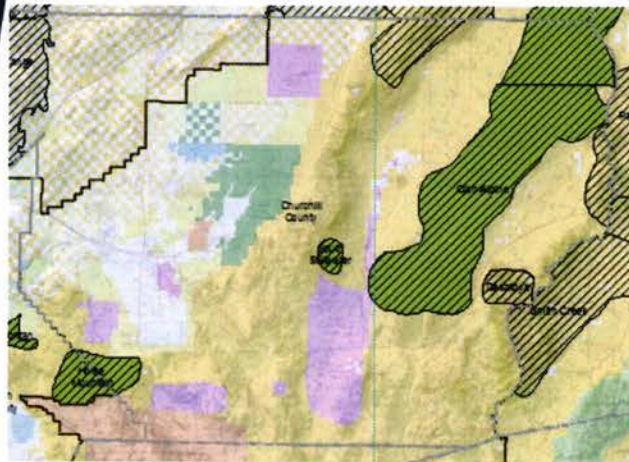
To go back to your discussion on the replacement forage, we have conducted an internal call for Nevada BLM to determine all the vacant allotments that might be available and then, in follow-up meetings with the permittees that are affected, they could identify if they have any interest in those and what the challenges might be in implementing those allotments. There are wheels turning on that.

Chairman Scharmann said Myles, Jim, and I just returned from Washington. Justin was not able to make it because of his work. During that time, one of the things that we did was to meet with our Congressional Delegation. We met with staff of the two Senators and we also met with Mark Amodei and a member of his staff. One of the things that we mainly did was to thank them for all of their work that they have done on the Navy and also the Churchill County Lands Bill. Then we asked, and this was in all three locations, what is the strategy for the checkerboard, and that is BLM, so we are wondering, because I see that you have Wilderness Management plans, you have BLM plans, you have a plan for Grimes Point, but what we would like to see is a plan, a strategy for the checkerboard and how that is going to be turned over to Churchill County. The second thing that we were looking at was we wanted to find out, and I know that you don't have the authority to deal with this one but, what we are looking for is a strategy of how the Navy will implement their plan. We discussed that with each of our Congressional people. We never had an appointment with the Pentagon or anything like that but those are some of the things that we are really after because we don't want this to die on the vine now. We want this thing to keep moving forward. I appreciate what you are doing as far as the Wilderness Study Areas and going back and determining how that management plan will work but I also would like to see some other things here in regards to the checkerboard and some things like that.

County Manager Barbee said just a couple of other things tagging on with that. Back to the grazing component, we would definitely be willing to work with you and support pushing to get a Memorandum of Understanding with the DOD that, obviously, you would maintain the grazing controls until, and that was, basically, in our mind, how that would move forward. Why would you switch management when you are trying to decipher what the ultimate switch is going to be in the end? That is just more grief on the grazers, so we would be willing to sit at the table and help you push on that piece. We are talking about the Wilderness Study Areas where those areas were shrunk and those items are defined, does that mean now, basically, that as this law is passed, those areas that were WSAs are now open to regular multiple use, which is how we would read it. Mark Mazzo said that is my understanding. County Manager Barbee said, just to be clear, the temporary withdrawal that was done based on us getting to this point where we had a piece of legislation that finalized everything, is that temporary withdrawal now lifted on those areas that are unaffected, you know, where there was a temporary withdrawal that didn't allow for mining claims and all those pieces, it was done for 5 years and then it was re-upped 6 months ago, that is a lag. Mark Mazzo said that is one of the questions that we are trying to determine what that means now. I do know the component that you are talking about and just to go here on bullet #1. Part of why I wanted to talk about this is to help generate these unanswered questions so we can get them in front of our attorneys. That is one that is on there and I will make sure it stays on there. County Manager Barbee said, again, I just want to reinforce that some of this stuff we are hoping can move much sooner than later with the example of the direct conveyances. That is basically a NEPA, will we give it to them or will we not. To not is to not follow the law, so we know in Yerington they were able to do some expediated direct conveyances to them and that still required appraisals on the properties and these are way far from appraisals. We are hoping we can get that fairly soon because we do have economic development opportunities knocking at the door that could be impacted by those pieces, so I appreciate that. Mark Mazzo said the Yerington example, is that for the Pumpkin Hollow? County Manager Barbee said yes, I believe so. Mark Mazzo said that is something we can look at and how that was done.

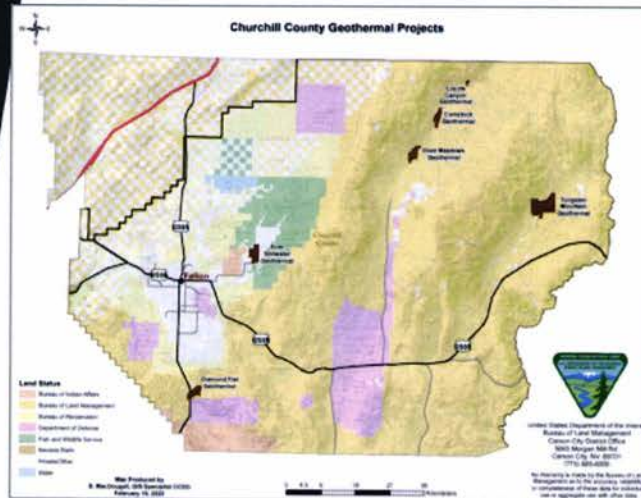
Wild Horse Census Flights

- ▶ Feb 6-7th, South Stillwater, Clan Alpine
- ▶ Last figures were
 - ▶ South Stillwater - 18, AML is 16, but horses are spreading from North Stillwater HMA managed by Winnemucca
 - ▶ Clan Alpine - 2,332, AML is 612-979
- ▶ Currently writing a gather EA for the Clan Alpine HMA (Scoping Period completed)
- ▶ Marietta Burro Gather EA is complete (Mineral County)
- ▶ Newest figures should be ready by March



Geothermal Projects

- ▶ Dixie Meadows - In discussions with USFWS regarding consultation with Dixie Valley Toad
- ▶ Diamond Flat (exploration) NEPA in progress
- ▶ Coyote Canyon (exploration) NEPA in progress
- ▶ Comstock (exploration) currently on hold until other priority projects have crossed milestones



Non-Churchill County Updates

- ▶ Resource Management Plan Updates
 - ▶ Project Manager has been hired
 - ▶ Funding for the statewide effort is being sought from Inflation Reduction Act
 - ▶ Required inventories and studies are being completed in preparation
- ▶ Libra Solar
 - ▶ Where: Just west of Black Mountain in the northern Wassuks, 11 miles southeast of Yerington, plus a "gentie" through Lyon County
 - ▶ Proposal: 700 Mega Watts of Solar, Solar Field would be 5,142 acres, The Gen Tie is 21.8 miles
 - ▶ Stage: NOI in federal register to come out soon. Public scoping meetings to follow



Smaller Scale Projects



- ▶ NDOW 12 Guzzlers in Stillwater Field Office multiple counties
- ▶ Bench Creek Range Range Improvements EA - Salt Wells, Dixie Valley, Mt. Well LaPlata
- ▶ Mason Valley Dirt Squirts - Off Road SRP race (determining route, potentially Salt Wells area) April 8-9th

Commissioner Getto said the only thing I can think of, which goes way above this local area, the DOD is handling the permitting of grazing allotments. I think we rely heavily on you guys for that information and how that is going to work, so I would just like to see about how you plan to approach that. Mark Mazzo said we have been meeting regularly regarding grazing and DOD formerly, before this legislation, and we had an existing MOU for the Dixie Valley Training Area to help us manage grazing in cooperation with them. We were already working to modernize that, to expand it, to encompass to other areas that were adjacent to bombing ranges where we had some ongoing issues with how to implement grazing with things like fencing and timing with training exercises that the military has. We do have a bridge to step off of there that the real question now, which we are trying to determine is, the legal side on how to authorize these changes. That is where we are trying to get some help from our attorneys about how specifically it is written in the legislation and what are avenues forward for authorizing it. I do agree that the BLM needs to be the one leading that on the grazing side. This isn't something that the DOD does regularly, so we are the expert on how to permit that. County Manager Barbee said that is really my confusion on why this is even an issue in that, if the building or the implementation of the expansion of the Bravo areas cannot happen until all the other things have been met, how would that land have been withdrawn and fenced until all those other obligations have been met, which means you can't implement the military portion until the grazers have been dealt with and bartered with and settled, so why would their rights change in terms of permits for that existing? I know you are not the lawyer; I am not the lawyer either, didn't even stay at the Holiday Inn Express but, in my mind, that is how it would make sense; it wouldn't. If they can't be implemented until all the obligations are met and all the obligations are not met, then it should stay with the BLM as the permit is today, tomorrow, and the day after. Mark Mazzo said that is the million dollar question. How does BLM do that on DOD land. I think figuring out the mechanism behind that is the best solution. Nothing has changed on the ground. The BLM is still permitting their side of the management plan, so without a fence there is no safety concern. We don't really see how that would change.

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

presented for informational purposes only and no action was taken.

B- Consideration and possible action re: Update on the 2023 Legislative Session.

John Oceguera, Executive Vice President of Strategies 360, the county's lobbying firm, will provide a start of session report to update the Board on the 2023 Legislative Session.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

John Oceguera, Executive Vice President of Strategies 360, reported that we have added a couple more people to our team. You can see some of those folks behind me. We have Dr. Isaac Tonorio, Brett Scolari, and Jennifer Lanahan on our team.

For those of you that have been around, you know that each Legislative Session is distinct in its own right and I think this session is going to be no different. This is the first session held since the pandemic. We are in the second week of the session and the building is open for the public and everyone. It will be very interesting to see how this pans out. There are 16 freshman at this session. Twenty-five of the Legislators are brand new, so there is not a lot of experience there. That will be interesting to see how that works out. Another unique feature of this session is there is a lot of extra money. There is about \$2 billion plus in extra money that lawmakers will be able to spend. In addition to that, there is some federal money that was not given out and there is some federal money that was given out that is now going back because it has not been spent. This is an unprecedented amount of money available. In the past 4 years, both houses of the Legislature and the Governor's Office were from the Democratic Party. This session, the Governor is Republican and both houses are Democrats, so I think it will be better. You get more compromise that way and you get people working together instead of being pushed in one direction. There are a number of proposals the Governor has put out there that would be of interest to Churchill County, including reducing the modified business tax, expanding behavioral health, and a number of other issues.

Historically, there are usually between 1,200-1,300 bills. Presently, there are 972 BDRs, so in the next week or so, we are going to see a lot more of those drop and usually about half of those become law. My staff and I are currently monitoring 229 bills for Churchill County. We need to funnel that down. When it is just a bill draft, it is just a sentence or two, so you don't have a good idea of what it is, just a concept of what it is but you don't have any language, so you don't know if it is good for you or against you or anything. In the next several weeks, all those bills will get language. We will need to run those through the funnel here, through staff to figure out what is important and what we need to weigh in on. I think there is going to be a lot more compromise in the session and it should be interesting. I don't have a lot of specifics to report as we are only in week 2 but I wanted to give you an idea of what is going on. We want to be here to assist you with anything you may feel will be detrimental or anything that you really want to push.

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

presented for informational purposes only and no action was taken.

C- Consideration and possible action re: Approval of Cashman Service Agreement for maintenance of the county-owned and operated generators in the amount of \$14,360.00.

Over the past several years, Churchill County has utilized Cashman as the vendor to perform the service on the county-owned and operated generators. The \$14,360 cost is split equally between the Public Works, Planning & Zoning Department (\$7,180) for service on the generators at the various lift stations and the backup generators at the Moody Sewer Treatment Plant and Sand Creek Water Treatment Plant and Facilities and Grounds (\$7,180) for the various backup generators at the facilities. The scope of work performed by Cashman is outlined in the proposal provided herewith. The proposal is an increase of \$760 over the previous Agreement.

FISCAL IMPACT: \$14,360.00.

EXPLANATION OF IMPACT: The service being provided is for the maintenance of backup generators for the various systems and buildings should there be a power outage. This service assures that all generators are in peak operating condition so that no service is lost during the outage.

FUNDING SOURCE: General Fund (Facilities & Grounds) and Contracted Services in Water/Wastewater Budget (Public Works, Planning & Zoning).

ACTION REQUESTED: Accept

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

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

Commissioner Justin Heath made a motion to approve the Cashman Service Agreement in the amount of \$14,360.00 for service of the county-owned generators, with this cost to be split equally between the Public Works, Planning & Zoning Department and Facilities and Grounds. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Ratification of an Agreement between Churchill County Social Services and the State of Nevada, Aging and Disabilities Services Division, amending the award from \$70,238.79 to \$155,688.32 for equipment purchase.

Churchill County Social Services obtained \$70,238.79 on 1/1/2022 to purchase a Meals and Wheel Vehicle and miscellaneous kitchen equipment. ADSD has provided an additional \$85,449.53 to support purchasing a second Meals on Wheels four-wheel drive vehicle and security fencing for the vehicles. The funding expiration has been extended to 12/31/2023 due to barriers to obtaining the vehicles.

FISCAL IMPACT: \$155,688.32.

EXPLANATION OF IMPACT: Total funding \$155,688.32. Additional \$85,449.53 to the previous award of \$70,238.79 to support purchases and administration. No match required.

FUNDING SOURCE: ADSD - ARP C1 and C2.

ACTION REQUESTED: Accept

Shannon Ernst, Social Services Director, 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 ratification of the Agreement and to authorize the Director of Social Services to order the additional vehicle and complete fencing per the additional funding Agreement. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Approval of a Purchase Agreement for Property located at 101-131 N. Maine Street, APN: 001-134-12, with a purchase price of \$780,000.

This property is located directly north of the planned construction site of the new District Courthouse. The property is currently used as a commercial tenant facility. The Seller has agreed to vacate all but one tenant by the time of closing. The remaining tenant has a lease ending December 31, 2023.

The County intends to utilize the property to expand and facilitate the implementation of a justice complex in the area. This facility may be used as additional staff and public parking for patrons of the justice complex, as well as a long term relocation of the Public Defender and Alternate Public Defender.

The Property was appraised by Tom Riggins which provided a fair market value of \$800,000.

FISCAL IMPACT: \$780,000 plus closing costs and fees.

EXPLANATION OF IMPACT: Cost of purchasing the property.

FUNDING SOURCE: Fund 115 Capital Projects

ACTION REQUESTED: Accept

Jim Barbee, County Manager, made this presentation as outlined above. Civil DA Jeff Weed said NRS 244 allows this board to purchase property for the county. In order to do that there needs to be an appraisal done and a price fix. The appraisal came back at \$800,000 and all the documentation is in the packet if there are any questions.

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

Commissioner Justin Heath made a motion to approve the Purchase Agreement for property located at 101-131 N. Maine Street APN: 001-134-12 for \$780,000, and to authorize the County Manager to sign any and all documents necessary to consummate the sale. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Approval to reclassify one position from Resource Liaison to Caseworker I for Churchill County Social Services effective February 20, 2023, for a total FY23 impact of \$2,772 and FY24 of \$8,387.

Churchill County Social Services (CCSS) works to identify, evaluate, and develop strategies in Churchill County that are barriers to residents becoming self-sufficient. Through the department's evaluation, Behavioral Health has become an increasing concern in Churchill County and nationally.

CCSS has implemented several strategies to address behavioral health issues, such as the Resource Liaison Program, Crisis Intervention Certification, FASTT in the jail system, creation

of the Behavioral Health Task Force to engage partners in strategies, community engagement, and education, group counseling at the Life Center with linkage to 1:1 counseling, etc.

Through this process, CCSS feels it would be beneficial to increase engagement with clients with behavioral health issues, dedicate staff with increased knowledge to develop program strategies, work with local, state, and federal partners to increase access to services, and identify funding to support outcomes.

CCSS requests to reclassify one Resource Liaison funded by federal and state resources to a Case Manager I position. The increased cost for FY23 of \$2,772 and FY24 is \$8,387 would be allocated from the Social Services' Indigent budget unless other funding sources are identified and obtained.

FISCAL IMPACT: FY23 \$67,936.69; FY24 \$73,551.96.

EXPLANATION OF IMPACT: FY23 approved budget \$65,164.64 to \$67,936.69, an increase of \$2,772; FY24 submitted budget \$65,164.64 to \$73,551.96, an increase of \$8,387.

FUNDING SOURCE: COSSAP - Pass thru from Partnership Carson City, state pass through SAPTA, the difference from the Social Services Indigent Fund.

ACTION REQUESTED: Accept

Geof Stark, Human Resources Director, 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 reclassification as submitted and to authorize the Human Resources Director to proceed with hiring. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Chairman Scharmann said I want to ask a question after the vote so it won't affect the vote. In the job description, as you look to hire, are you going to look for some behavioral health experience or education? Social Services Director Ernst said yes, the goal is to get a social work level to work in the position. We are looking for someone that has worked in the jail system for our assessment and safety triage team and also out in the community. The one thing we really found was, the Resource Liaisons are meant to go out to do that outreach and get them engaged and wrap resources around them and pretty much their cases are done. This position really would look to work with them more intently and longer term to go from that crisis time through where they are out of the crisis and they are to maintain their support, so they don't return to that crisis. The individual would work with us on the Behavioral Health Task Force. This has been a challenge since the pandemic getting members around the table to talk about where we are at with our Behavioral Health programming in the community and where we need to expand and identify those strategies. Chairman Scharmann said I am sorry to enter that after we voted but that is the way it is and I am chair, so what the heck.

G- Consideration and possible action re: Advanced Step appointment of Colin Utterback as an IT Professional for Churchill County with an annual impact of approximately \$4,500.

The county recently posted a recruitment for the position of IT Professional for the county. After

posting for two months, candidates were chosen and interviews were conducted. The selection panel agrees that Colin Utterback is the best candidate for the position.

Because of the difficulty in recruiting and hiring a specialized position such as this one, staff requests approval for an advanced-step placement upon hire. Staff would like to hire Mr. Utterback at Step 3 of Grade 60 (\$2,634 bi-weekly, or \$69,812 annually). The position was posted for two months and it proved difficult to find a large number of applicants. In addition, Mr. Utterback comes with over 10 years of network support experience and has worked within Churchill County's network as an outside contractor for the last 1.5 years. Hiring him at Step 3 seems appropriate, considering the current market for IT professionals and his previous experience.

FISCAL IMPACT: \$0 for fiscal year (FY) 23. \$4,500 per year in future years.

EXPLANATION OF IMPACT: The IT Professional position has been unstaffed since mid-November, so there have been significant savings of funds during that time. It is estimated that if Mr. Utterback is hired at Step 3 for the remainder of the year, the county will still experience a savings of \$29,000 in the current FY. Of course, hiring him at Step 3 is higher than the first step of the range. The total additional cost of hiring at Step 3 instead of Step 1 is approximately \$4,500 in a full 12 months.

FUNDING SOURCE: General Fund - there is already enough budgeted for this FY.

ACTION REQUESTED: Accept

Geof Stark, Human Resources Director, 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 hiring of Colin Utterback to the position of IT Professional at an advanced-step placement of Grade 60, Step 3.

Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Appeal:

1:45 PM - Public Hearing - Consideration and possible action re: Appeal of the Planning Commission's denial of a Temporary Use Permit (TUP) for temporary quarters for 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.

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 appeal hearing was set for February 15, 2023 at 1:45 PM.

The applicant is requesting a Temporary Use Permit for Temporary Quarters for General Purposes to allow a 1997 recreational vehicle (RV) as a temporary residence on the property. The unit is already on-site, and is set up for use. The applicant is requesting temporary quarters

to allow acquaintances who have no home, to live on the property. Michael Irby and Maryann Tinnemeyer had been renting, but the landlord sold the property, and they have been unable to find another place. They will live in the RV. The applicant will live in the permanent home.

The RV will be located north of the existing dwelling. The aerial photo time series shows a long-present RV/camper with popouts and a carport being present at the same location proposed for the RV since before 2003. It was likely used as a rental. County records do not show it having a previous permit. A site visit confirmed that it has been removed. The application indicates the previous camper was connected to the home's power, well, and septic system. The proposed RV will use the same connections. The Building Department must approve such connections. Access is from Schindler Road via a long driveway. A 200' wide drain easement runs along the west property line, with about 50' being on the subject property. Utility easements run along the property lines and road.

Immediately surrounding parcels are similar large-lot residential or vacant lands. Also nearby are large farming and feedlot properties. A driveway serving a different home is located immediately north of the property, being the "pole" portion of a "flagpole" lot. Fencing on the north property line, and the north portion of the east property line will provide screening of the RV location from those directions. Distance, vegetation, and the home will screen it from the south. The property to the west is vacant.

An additional concern is that the aerial photo time series shows that after 2012, there has been a continual accumulation of vehicles, most not moving for years. There have been as many as 22 vehicles present at a time, though a couple in the driveway would have been operable and in-use. Such vehicle accumulations are illegal under state law and must be corrected. This appears to have created problems for neighbors. The aerial photo time series show that neighbors have progressively put up more and more fencing over time, possibly due to the increase in junk cars.

Recommended conditions:

1. The temporary quarters must comply with Churchill County Code. The applicant shall work with the Code Enforcement Officer to bring the property into compliance with County Code.
2. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation, and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Department.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

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: Accept

Civil Deputy DA Jeff Weed said this is an appeal filed by Ruth Miller of the Planning Commission's denial of a Temporary Use Permit (TUP). This board reviewed those decisions de novo wherein the Appellant needs to establish the basis for the TUP by a preponderance of the evidence. We are here today, typically, the procedure will go and this board can decide how to proceed. The Planning Department will present a history of the case. The Appellant can then make statements and present evidence to the board. It will be open to public comment. After that this board will make a decision.

Deputy Clerk Moore administered the oath to the following individuals: Chris Spross and Ruth Miller.

Chris Spross, Public Works Director, said I am speaking on behalf of the decision that was made by the Planning Commission. The applicant is requesting a TUP for temporary quarters for general purposes to allow a 1997 recreational vehicle (RV) as a temporary residence on the property. The unit is already on-site and is set up for use. The applicant is requesting a temporary quarters to allow acquaintances, who have no home, to live on the property. Michael Irby and Maryann Tinnemeyer had been renting, but the landlord sold the property, and they have been unable to find another place. They will live in the RV. The applicant will live in the permanent home. There are five types of TUP categories as follows:

- Farm labor.
- Watchman's quarters for businesses.
- Hardship or caretaker, typically a relationship for the person living in the RV and the person that needs care.
- TUP for construction while a home is being constructed.
- To allow for a commercial coach for an office for commercial businesses.

Although it is a noble effort to allow people to live in an RV, it really does not meet any of the criteria for a TUP. At the meeting, the staff reviewed the application and went through it in detail. The staff recommended denial or a partial approval to allow for the applicant to stay in the RV for a certain number of months until suitable accommodations could be found. At the Planning Commission, the initial motion was made to approve the TUP and that was voted two for the approval and five against approval. A subsequent motion had to be made for the finding and that was to disapprove the TUP and that was voted on five for denial and two for approval. A subsequent motion was made again to deny the permit with five for denial and two for approval. That is what happened at the Planning Commission and that is where we are here today.

Ruth Miller said, at the time of the Planning Commission meeting, I did not have proof that Maryann Tinnemeyer is disabled. I believe the initial application does state that if someone is 70 years old or older or disabled that finding is to be somewhat automatic and I admit that I may not understand. I now have proof from Social Security that she does receive benefits. Michael Irby and Maryann Tinnemeyer are 62-63 years old and are senior citizens and are very much on a fixed income and, as I am sure, the Commission is well aware that it is not easy to find suitable

housing in that situation. My request is quite simply to give them some time. I am very well aware that it is not legal for me to charge rent, nor do I wish to do so. I want to keep them from being stuck in a tent out in the desert while they attempt to work through the wait list process. I also have a letter that they are on the wait list with one facility in the area. They have looked into at least one other. There are multiple family members trying to help them and it has not been very smooth. I am trying to do this right and according to the county laws. Deputy Clerk Moore stated that the two letters she is speaking of are on your desk and have been made part of the record.

Chairman Scharmann asked if there was any public comment. Michael Irby said I just want to say this is just a temporary thing until we can get into a home or Arborwood when an opening comes up.

Tanya Freeman said I am aware of the situation and am also aware that housing is at a premium here. There is, in some places, a waiting list of up to three years to get Section 8 housing. I would urge the board to accept this and put a reasonable time limit on it that can be addressed by both Ruth and the couple staying there. She is, in fact, disabled. From what I have seen in photographs, she is morbidly obese, so it would not be a good thing having her moving around staying in campgrounds or tents. She needs some kind of stability. Chairman Scharmann said is that what her disability is? Mr. Irby said it is congestive heart failure.

Director Spross said I just want to say, typically, the relationship for a hardship caretaker is that somebody lives in the RV and somebody in the home is taking care of that person or visa versa. In this case, you have one person that requires care and then there is a subsequent person living in the RV that is going to provide that care. It is not the person living in the home. There is that differing relationship of what a caretaker TUP is meant to be. I just wanted that clarification for the board.

Commissioner Heath said that is A-5 zoning, correct? What is A-5 zoning, agriculture? Director Spross said yes. Commissioner Heath said what is classified as a farm worker? Director Spross said a farm worker is not just having A-5 property. You have to have a working farm or ranch and you have to provide proof that you need that extra help for your farming operation. Commissioner Heath said do you irrigate? Ruth Miller said no, I don't. Commissioner Heath said is the RV hooked up to sewage? Ruth Miller said there is a pre-existing hook up from before I bought the property in 2012. There was an old camp trailer that was an eyesore and a danger on its own. I was able to get that pulled out. There is a separate power meter, a water hookup, and access to the septic. It is the same septic as the house but there is access to proper facilities. Commissioner Heath said is that acceptable in temporary housing? Director Spross said yes, the actual situation of the RV and the hookups are not in question. They are going to hook up to the sewer and power and the water. It is just the condition of the actual category of the TUP that really didn't apply.

Commissioner Getto said I don't even know if any of this conversation is pertinent because we are appealing a decision, possibly, for a general purpose TUP. If we are going to go down the avenue of hardship or caretaker, shouldn't it have been applied for under hardship or caretaker? Director Spross said the relationship of the caretaker and the person needing care is, typically,

somebody lives in the RV and somebody in the home is taking care of that person or visa versa where this is more of two people living in the RV. One was the person needing the care and the other person was providing the care. I believe the applicant was either encouraged or decided that the general purpose would be possibly more applicable than the hardship/caretaker. Civil Deputy DA Jeff Weed said what is a consideration before this board is only what was applied for and what has been appealed, so this board is not determining any other applications under any other conditions for TUPs or anything like that, just what is before the board on the appeal. Commissioner Getto said that is where I am coming from is, I can't really appeal a Planning Commission decision when it was based on being a general purpose where now it has been modified to hardship/caretaker. I think they need to go back to the Planning Commission to get their 2-cents on that situation. Director Spross said I understand what you are saying and I understand how you are handcuffed. All I can really say is, if the applicant were to go back to the Planning Commission and apply under a hardship/caretaker, I think they would take the same stance as has been mentioned and say there really is no relationship between the person living in the house and the person living in the RV, the people in the RV, the caretaker and the person that needs care. I think they view that the same way. I guess not to speak out of turn but I think the board can make any decision that they want to make when it comes to what they want to be able to do. Chairman Scharmann said is there any relationship between you and the lady who is disabled? Ruth Miller said no. We are all just friends. I was advised by the Planning Department that it did not meet the caretaker criteria and that it would be better to apply for the general purpose for that reason. Commissioner Heath said how long is this good for? Director Spross said TUPs are good for one year and then they have to request a renewal. The conditions will then be evaluated to determine if it can be renewed or it should be terminated. Chairman Scharmann said if we deny this and go along with the Planning Commission, then they have one year, correct? Director Spross said no, the TUP was not approved. If it is approved now, then it is good for one year, then the applicant comes in and says the conditions still apply and I need to renew this. If the permit is not denied and the board decides they are going to uphold the decision by the Planning Commission, the applicant would then be in violation if Michael Irby and Maryann Tinnemeyer were living in the facility now. They would be in violation of county code.

County Manager Barbee said there are two different things happening conversation wise here. One is applicable to the permit, a denial, and the code requirements that you have to base your decision on just like the Planning Commission. The other is the needs of an individuals that maybe we can address through this process but I would suggest that we have Shannon Ernst in the back of the room that could help with some of the Social Services resources that we have that I think also, although not a part of this conversation, could address this issue. I am not sure that helps but I am trying.

Commissioner Heath said what is a general purpose TUP? Director Spross said that is if a TUP really doesn't fit into one of these other categories, you can apply for a general purpose TUP and, if the case is strong enough, the Planning Commission or the Commissioners could approve it if they see fit. Commissioner Heath said so, what you are saying is, we don't have to meet those 5 requirements with this type of TUP? Director Spross said you don't have to, and again, when staff made the recommendation at the Planning Commission meeting, we recommended denial or approval for a short period of time until suitable housing could be found. We were

almost giving the Planning Commission a recommendation that was not 100% in compliance to the code but allowed them to view extenuating circumstance to be able to make a decision based on certain conditions. I kind of view this the same way. Commissioner Heath said can we put a time limit on this? Director Spross said yes. The Planning Commission can do that and the Commissioners can do that, as well. We would kind of want to maintain the code we have in place for the renewal. Commissioner Heath said, if we want to say 6 months, then we can do that? Director Spross said, yes, you can do that.

Commissioner Getto said I am still of the matter of fact that if we are thinking of considering approving this for hardship/caretaker, we are not for general purpose. Commissioner Heath said that is what they stated, not us. You have to forget about that because we are on general purpose. You can take this into account but we are not doing hardship/caretaker. Director Spross said, from what I understand, when it comes to an appeal like this, essentially, any decision or anything that has been made previous to this, whether it is the Planning Commission, it kind of goes by the wayside and you guys are making a decision based on the application that was submitted. Regardless of what the Planning Commission said, you guys can view this application, which is for general purposes, and make a decision based off of that. Civil Deputy DA Jeff Weed said the appeal is reviewed by this board de novo, which essentially means anew. You are going to consider the evidence and consider what has been appealed and make a determination based on your overview of the evidence, not what the Planning Commission did previously.

Chairman Scharmann said how did you become aware of this? Director Spross said I believe it was a code enforcement action. I am not 100% certain. I just know that we received the application. I would have to ask Code Enforcement or maybe the applicants. Ruth Miller said I went to them. I called the office and said here is the situation, what do I need to do to do this properly with respect to the county rules?

County Manager Barbee said, Shannon, could you provide us with options of resources and how long those might take? Shannon Ernst said when you look at a literally homeless person, which can mean you are on the street or living in a place not meant for habitation with no power or water, there is an intake process that takes about one week as long as the client provides everything like income and the statement of where they are residing to verify that situation. If our Path Room is available, we can do placement within the 2 weeks and then we work with them for long-term placement with subsidies until a Section 8 voucher is available or something that comes available. Chairman Scharmann said would 6 months be enough time? Shannon Ernst said it would be less than 6 months if the client is willing to work with us and they are an active participant with case management, it would be less than 30 days.

Chairman Scharmann asked if there was any public comment but there were no further public comments. Commissioner Heath said the way I am going to rule on it is to approve it for 6 months and then after that, if they need to stay longer, they will have to present back to the board. I recommend getting support through Social Services. I know how long Arborwood takes. It can take months to get in there but I recommend getting support through Social Services to get placement. Chairman Scharmann said what the motion would be is approval for 6 months, is that what you said, 6 months, then you would have to come back again? When you come back, the

Planning Commission or us, we would be looking to see if you literally worked with Social Services to try to find another location. That is what we would be looking for. If it came back, and I am only speaking for me, right now, as I can't speak for Justin or for Myles, but for me, if I saw that you didn't do any of that, then I would deny it, okay? I am willing to go along with Justin's motion right now if you will work with them to try to find another location.

Commissioner Getto said as the majority of people in here know, I served on the Planning Commission for 3 years and I can only speak for myself here, this is not a general purpose TUP. I understand we have the right to overturn that but if we are going to uprule a general purpose TUP, we basically just rendered a hardship/caretaker TUPs voidless. There is no point to go through a hardship/caretaker TUP if we are just going to approve it under general purpose.

Commissioner Justin Heath made a motion to approve the Temporary Use Permit Application for Ruth Miller to establish a Temporary Quarters for general purposes at 4810 Schindler Road, Assessor's Parcel Number 006-292-48, for a period of six (6) months. Commissioner Harry Scharmann seconded the motion, which carried by majority vote, with Commissioner Myles Getto opposed.

Letters Received:

A- Nevada Division of Environmental Protection's notification it has issued a Notice of Findings and Order to Brady Power Partners related to their Class II Air Quality Operating Permit.

The Nevada Division of Environmental Protection provides notification it has issued a Notice of Findings and Order to Brady Power Partners related to their Class II Air Quality Operating Permit. Brady Power Partners may continue to operate under the requirements of Class II Air Quality Permit AP4911-2379.02 and must comply with all requirements therein. This Order shall sunset on the date that a new Class II Air Quality Permit AP4911-5422 is issued. This Order is final and not subject to review, unless an appeal is requested pursuant to NRS 445B.360 and the Nevada State Environmental Commission's (SEC) administrative rules within ten days of receipt of this notice.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

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: Building Permit Activity Report for January 2023.

Provided for the board's review is the report showing 21 permits issued in the month of January 2023. Included in the 21 permits is 1 single-family-dwelling permit, 3 commercial permits, 1 industrial permit, 8 manufactured home permits, and 3 septic permits.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

C- Consideration and possible action re: Building Department Revenue Report for January 2023 totaling \$29,550.75.

The Building Department provides its Revenue Report for January 2023 for the board's consideration and acceptance. A total of \$29,550.75 was received for the month.

FISCAL IMPACT: \$29,550.75

EXPLANATION OF IMPACT: Fees are collected to help offset the services provided.

FUNDING SOURCE: General Fund

ACTION REQUESTED: Accept

D- Consideration and possible action re: Public Works, Planning & Zoning Department's Revenue Report for January 2023 showing a total of \$193,219.25 in revenue for the month.

The Public Works, Planning & Zoning Department submits its Revenue Report for the month of January 2023 showing a total of \$193,219.25 in revenue. This report is provided for the Commissioners' review and acceptance.

FISCAL IMPACT: \$193,219.25 in revenue for the month.

EXPLANATION OF IMPACT: Fees to off-set services provided by the department.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

E- Consideration and possible action re: Recorder's Monthly Apportionment Report for January 2023 totaling \$14,249.30 in revenue for the month.

Churchill County Recorder, Tasha Hessey, provides her Recorder's Monthly Apportionment Report for January 2023 totaling \$14,249.30 in revenue for the month.

FISCAL IMPACT: \$14,249.30 in revenue.

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

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

F- Consideration and possible action re: Sheriff's Civil Report for January 2023 showing a total of \$30,975.00 in revenue for the month.

Sheriff Richard Hickox provides his Civil Report for the month of January 2023 showing a total of \$30,975.00 collected as revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$3,855.00.

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

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chairman Scharmann 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 Myles Getto seconded the motion, which carried by unanimous vote.

Consider Future Agenda Items:

Commissioner Getto suggested bringing the BLM State Officer back for an overview. From what we saw today, there is some major disconnect between the two of them. Mr. Barbee said I will say, on behalf of the BLM, we have kind of all agreed that we are going to make the push and do this work through the Interim Executive Committee that was developed by the NDAA, which basically has all the stakeholders around to table and all the different counties so there are not any hiding places. That was part of my concern I was conveying is that this does need greater attention by state level BLM than it has thus far received. When they come in and do their update, if we keep pushing this way, we are going to wind up at least with the District Manager in the future, which I kind of assumed we would have today. Chairman Scharmann said I appreciate Myles concern because I don't think we got any answers today. Commissioner Getto said they did a great job, don't get me wrong, but this is so far above their level, it is pertinent to have them speak on it but it is not pertinent.

Commissioner and Management Staff Reports:

Chairman Scharmann reported on the following topics:

- We just got back from a trip to Washington. We met with Congressman Amodei and one of his staff and met with staff members from the Senators also. We expressed our concern about how this thing needs to move forward. We want to know what the Navy's direction is going to be.
- Myles and I attended NACo and spent a lot of time in the Western Interstate Region meetings.

Commissioner Heath reported on the following topics:

- We had the Lahontan Conservation District meeting. That is why I was not at the last meeting. I was in Tucson.

Commissioner Getto reported on the following topics:

- We were in Washington and met with Legislators from Nevada. I have an ungodly amount of notes from all these meetings. They talked about how most rural counties are very lacking in infrastructure for broadband and I remember leaning over to Bus and said we are doing good because we have CC Communications. It was a great trip.

County Manager Barbee reported on the following topics:

- I was just excited to hear that our neighbor to the west, it was announced that NACo got \$85 billion for a bridge in Washoe County. It was very impressive.

Comptroller Wideman reported on the following topics:

- You got your departmental requests for the budget hearing and if you have any questions, my office is open.

Civil Deputy District Attorney Weed had nothing to report.

Clerk/Treasurer Rothery was not present.

Sheriff Hickox was not present.

Claims and Payroll Transmittals:

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

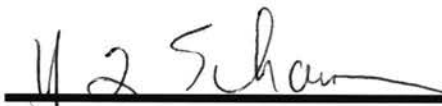
Public Comment:

Chairman Scharmann asked if there was any public comment but there was none. County Manager Barbee said, regarding the Bull Sale this weekend, they have 150 bulls they are receiving today. Tomorrow, they have over 60 working cow dogs in that competition. When we originally started that, we were thinking like 10 dogs, so that is a huge success. The branding on Friday is completely sold out. There is the cattlemen's dinner, concert, and dance. Parks and Recreation have the tickets for sale for \$30. We should have a great turnout. I am told the interior concourse is completely full with agriculture foods to complement the events over the next 3 days.

Adjournment:

The meeting was adjourned at 2:46 PM.

Approved:


Harry Scharmann, Chairman

Approved:


Justin Heath, Vice-Chairman

Approved:



Myles Getto, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer



Renae Paholke, Deputy Clerk