

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

April 6, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 8:15 AM on April 6, 2023.

PRESENT:

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

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 but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 31st day of March, 2023, between the hours of 1:00 and 3:00 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 Justin Heath made a motion to approve the Agenda as submitted.
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- February 15, 2023.

The Minutes of the meeting held on February 15, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on February 15, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

B- February 23, 2023 - Budget Hearings.

The Minutes of the budget hearings held on February 23, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the budget hearings held on February 123 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

C- March 2, 2023.

The Minutes of the meeting held on March 2, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on March 2, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- March 2, 2023 - Joint Meeting with Highway Commission - Declaration of Emergency.

The Minutes of the joint meeting held on March 2, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the joint meeting held on March 2, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

E- March 15, 2023.

The Minutes of the meeting held on March 15, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A
ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on March 15, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

F- March 15, 2023 - Emergency Meeting for Flood Mitigation.

The Minutes of the emergency meeting held on March 15, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the emergency meeting held on March 15, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

G- March 27, 2023 - Emergency Meeting for Flood Mitigation.

The Minutes of the emergency meeting held on March 27, 2023 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the emergency meeting held on March 27, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Appointments:

G. A- Consideration and possible action re: Adoption of a Proclamation designating April 2023 as Child Abuse Prevention and Awareness Month.

Annually, April is a time to build awareness of child abuse and community response for prevention. The community requests that April 2023 again be proclaimed as Child Abuse Prevention and Awareness month to support increased awareness, to build family unity groups, and further access to services to reduce abuse. Churchill County Social Services shall provide an overview of activities to be held and what the community can do to help support the effort in our area.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Adopt

Jackee Stewart, Churchill County Social Services, said April is the month chosen to help build awareness of child abuse and the community response for prevention. The community requests that April 2023, again, be proclaimed as Child Abuse Prevention and Awareness month to support increased awareness. Since 2017, when we became the Family Resource Center for the county, we started engaging in April awareness for child abuse prevention. On the first Friday of the month, nationally, we join together to proclaim the month Child Abuse Prevention Awareness and kick off the activities. Our goal with our activities that we have is to bring families together, to unite families, and to help build skills in parenting. This year, April 7th is the first Friday of the month and we will come together at Millennium Park at 10:00 AM. Parks and Recreation will also be having the scavenger hunt for easter eggs, a children's carnival at the Life Center, and other activities throughout the month.

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

Commissioner Myles Getto made a motion to adopt the Proclamation declaring April 2023 as Child Abuse Prevention and Awareness Month. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Approval to allow Picotte Segura Holdings, LLC to submit the financial security to complete the NDOT improvements on the property located at 2030 & 2040 Reno Highway within 120 days of recording the Parcel Map.

On February 2, 2023, this board approved the Performance Agreement to allow for the duration of one year for Picotte Segura Holdings, LLC to complete the NDOT improvements at 2030 & 2040 Reno Highway with the submission of financial security in the amount of \$57,062.50. Per Churchill County Development Code 16.12.030.3 (A), this financial security must be submitted prior to the recording of the Parcel Map. The Applicant has requested to submit the financial security within 120 days of recording the Parcel Map to restructure financing on the project. Picotte Segura Holdings, LLC has received a proposal from A & K Earth Movers, Inc. to complete the improvements concurrent with the reconstruction of NDOT Project #3961 (US 50 from Allen to Leeteville Junction).

FISCAL IMPACT: \$0.00.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, 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 allow Picotte Segura Holdings, LLC to submit the financial security for the NDOT improvements at 2030 & 2040 Reno Highway within 120 days from recording the Parcel Map. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Recommendation to the Board of County

Commissioners for the purchase of NexLog Advanced Recording Solutions System in the amount of \$59,735.64.

Staff will present the process of asking for a recommendation to the Board of County Commissioners to purchase the NexLog Advanced Recording Solutions System in the amount of \$59,735.64. The current system is outdated and we are unable to get parts or service for the system. The Sheriff's office recommends the NexLog system because it is compatible with other equipment being used by the department.

The E-911 Committee met on March 27, 2023 and recommends that the board approve funding to purchase the NexLog Advanced Recording Solutions System in the amount of \$59,735.64.

FISCAL IMPACT: The purchase of NexLog Advanced Recording Solutions System cost \$59,735.64.

EXPLANATION OF IMPACT: To secure the system, it will cost \$59,735.64.

FUNDING SOURCE: E-911 Fund.

ACTION REQUESTED: Accept

Sheriff Richard Hickox 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 purchase the NexLog Advanced Recording Solutions System in the amount of \$59,735.64. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Amendment to the Interlocal Agreement Between the Central Nevada Health District and Churchill County, which authorizes the Central Nevada Health District Board to approve the starting pay of employees that provide services for the Central Nevada Health District at any step on the approved pay scale for each employee position.

Staff will present an Amendment to the Interlocal Agreement Between the Central Nevada Health District and Churchill County, which authorizes the Central Nevada Health District Board to approve the starting pay of employees that provide services for the Central Nevada Health District at any step on the approved pay scale for each employee position.

FISCAL IMPACT: Potential increase in starting salary for Churchill County employees that provide services for the Central Nevada Health District.

EXPLANATION OF IMPACT: Potential fiscal impact includes hiring employees that provide services for the Central Nevada Health District at an increased salary on approval of the Central Nevada Health District Board. Any funds used to pay those employees will come from the special revenue fund dedicated solely to all Central Nevada Health District revenue which includes funds which are kept and maintained separately from all other funds maintained and overseen by Churchill County.

FUNDING SOURCE: A special revenue fund named the "Central Nevada Health District Fund" which is funded by the Central Nevada Health District.

ACTION REQUESTED: Accept

Civil Deputy District Attorney Jeff Weed 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 Amendment to the Interlocal Agreement Between the Central Nevada Health District and Churchill County, which authorizes the Central Nevada Health District Board to approve the starting pay of employees that provide services for the Central Nevada Health District at any step on the approved pay scale for each employee position. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

E- Presentation by Derek Coulter, Trustee, and Harvey Whittemore, Whittemore Group, Inc., regarding the Churchill Hazen Industrial Park, Forty Mile Desert geothermal and solar plans, and Haneva development plans.

A presentation will be made by Derek Coulter, Trustee, and Harvey Whittemore, Whittemore Group, Inc., regarding the Churchill Hazen Industrial Park, Forty Mile Desert geothermal and solar plans, and Haneva development plans.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Derek Coulter said Tim Tucker had cancer and passed a few years ago and he had asked me to take over. We have been doing this methodically and it is a long term process. We are coming out of a period where we had COVID that, basically, shut down our ability to make progress and that was about the time that Tim passed away. I wanted to give you an update on what has been going on. As we get closer to the amended PUD on one of the projects and when we have specific proposals, we will be coming back over the next year to give you a full presentation on each of these projects, as we go along. The first project I want to talk about is the Churchill Hazen Industrial Park (CHIP). This is the location by the overpass, near where the fire was last year where the rail line goes through. We have several thousand acres in there that we are finalizing a joint venture agreement for those properties to develop those into special use, low water consumptive, industrial uses. That would be a benefit to the county. These are data centers. They will not have a big traffic impact or water impact. They will bring in higher paying jobs to the area. It will have all of the good stuff without the bad stuff, basically. We are working on that but that requires a lot of analysis to figure out how we are going to bring in all of the water, power, gas, and all of the infrastructure into those sites. We have spent hundreds of thousands of dollars on engineering work to try to come up with feasibility studies and options to complete these projects. We anticipate this month being the first month of the phase of the joint venture agreement and then we will be able to provide further information to you as time goes on about that project and what is going to be going on there. If you were to go between here and Fernley, off to the left side, you will notice several digressed points off of there. The nice thing about this area is we already have that in place, so this is not going to be something that is disruptive during the development of the project and it is really looking at the negatives

and the positives. The negatives here are almost miniscule compared to the positives that we have here. That is on the CHIP parcel. Chairman Scharmann said are these data centers going to require a railroad line? Harvey Whittemore said we would like to be able to disclose the development partner with us. We are subject to a Non-Disclosure Agreement (NDA). The NDA partner has been in touch with the County Manager and put him up to speed with some of these issues associated with where we are in the joint venture process. A data center would not require the rail line but Tim's dream, and what we are trying to fulfill, is the development of a full-on industrial park that has different components. It is not to give the notion that there would not be industrial facilities that would use that rail because that rail is a big selling point for both the county and for future users of that parcel. One of the things that we are going to continue to develop is the designation within those mapped areas where those facilities are going to be. The joint venture partner and our engineering firms have been siting different types of facilities. Some of them are more water intensive, which we are trying to stay away from but, at the same time, we want to give a mix of functions so you have a broader range of economic development rather than just one type of facility. The idea would be sort of related to the rail but more traditional datacenters, which don't necessarily require major rail loads. Derek Coulter said, initially the first user is probably a data center but the rest of the usage is in there. Having the rail line already there means that the impact of disruption will be minimal because everything we can do is off the highway, so there are a lot of benefits to the way this is set up.

The next update is on the Forty Mile Desert, which is on the east side of the highway. Those are the checkerboard 640 acre parcels that are throughout that valley. Over the past year, we completed a study for the feasibility of solar power generation and, to do this in a most integrated fashion, we also have geothermal potential. There are some details that we need to work out as far as the water issues, whether these projects would be consumptive of the water use, basically recycling and non-consumptive uses, and those are still being worked out. The projects, both on the geothermal and solar side, are continuing to be pursued and we should have some developments to present to the Commission later this year. Harvey Whittemore said I would like to let everybody know the scope and scale of these projects. Fervo is a major development company, which is lead by Tim Latimer, who is an expert in horizontal drilling, which allows you to capture heat in different zones and maximize the utility of the geothermal that is located there. This particular site is one of their top three sites that they are looking at in the state. They have an obligation to deliver power. It is being supported by major entities whether it is Google or Bill Gates. Those are the types of people that are investing in the Fervo entity. They have had successful second and third round funding and they are getting ready to start the process of presenting their plans to your planning staff with respect to the geothermal locations. They have had some preliminary meetings with the planning folks regarding where the potential geothermal facilities would be located and where the initial drilling would be located. What we are trying to do is create an integrated approach to the development of that land, which would be built on four separate things. That would be geothermal and solar utilities, scaled battery storage, and long-term industrial use, which would be more low water use than what would otherwise be anticipated and, to recreate the second level of development, which would be taking place post-utilization, all of the land at TRIC. Everything is moving east towards Churchill County. We have always been waiting for the time when we could come forward with specific plans. The solar field itself has been analyzed by Energy Project Solutions

and is capable, potentially, of having four 500 Megawatt solar facilities, which would make it a huge facility. That adds extra benefits to the region and, especially Churchill County, because you will have additional power being generated within the county and that will require large scale negotiations with NV Energy to make sure you have the ability to have transmission lines. One of the biggest impediments in economic development is the lack of long-term excess power in terms of being able to deliver power to potential users in the county in terms of economic development. Commissioner Heath said, right now, they are doing a little water table study to see what impact and all that? Harvey Whittemore said yes, what they are doing is evaluation the zones. What they are doing is asking the State Engineer to make a determination as to what portion of the water use would be consumptive. They have negotiated with the trustee and entered into an agreement that allows them to reserve water that is presently held as a banked resource that Tim owns with the county and it would ultimately be used like we did with Patua to give them excess water so they could continue to expand. They are doing a complete analysis of where the zones are where you can re-inject where you don't impact existing water resources. You have to be environmentally sensitive with water resources.

Chairman Scharmann said I want you to know that the Churchill County Lands Bill was approved by Congress in December. That gives us the right to the checkerboard strip that belonged to the federal government. We are working with the DOI and BLM for the transfer of those checkerboards but they will match up very well with what Tim purchased. There might be some companies that want more than 650 acres. Harvey Whittemore said you are absolutely right and, as you know in our discussions with Tim, the idea of supporting the Lands Bill and getting it through was to control and to integrate those parcels so that you would have contiguous sections and, one of the plans was that we would come in, as there is going to be compensation that is required from the county to the federal government with respect to the acquisition costs. One of the things you can do under Chapter 268 and 278, for both cities and counties, is for economic development purposes. We did it with the land transfer bill for Lyon County. The respective user funded that acquisition cost directly to Yerington to acquire those lands for Nevada Copper. The same thing would happen here that the county would be in a position to utilize funds that are provided for economic development purposes and enter into a development agreement for those contiguous parcels and be in a position to expand economic development in that area. There is also a 640 section that is in the CHIP controlled property that was always going to be acquired and then long-term development for additional housing in that northwest quadrant with respect to Sky Ranch. Derek Coulter said that goes along with this win-win for everybody because it is a lot better to have this long range plan where we can take those parcels that are landlocked and are checkerboard to be able to do an integrated plan as opposed to having an easement to provide utilities over the top of that, so that is going to work out better for everybody. We should have some of those proposals back to give you an update on them, probably in the 3rd quarter of this year.

The last update is on the Haneva development, which is Sky Ranch and, right now, we have spent significant resources for the engineering for Village A, which is the first phase of that and we have also contracted with Rogers to come up with a new amendment to the comprehensive PUD, and that is a large undertaking. You may be thinking why it is taking so long. These are really big projects. The companies that we are contracting with, due to COVID and their backlog

of work, just takes a long time to get all of this going. I wish we could get things pushed along quicker. We are ready to go on our side but we are still waiting for all the rest of the consultants to get on board. The water line is the first part of it that will need to be updated. That is really a prerequisite to doing any further development up there. The final phase is addressing all the comment changes for the water line and dealing with some of those standards there so that we can get that finally approved. What we anticipate is sending this out for bid in the next couple of months and, as soon as we get that finalized, then doing the construction in October or November once the irrigation ditches are empty, so we will have a minimal impact there. That is as far as the first phase. The PUD with Wood-Rogers, that is a big undertaking because all of those different phases of the project. Initially, what Tim submitted for the PUD were preliminaries but now that they are more finalized, engineering and dealing with hydrology and soil issues and everything else, that is going to be more comprehensive for the amendment that is going to be submitted and that is probably for the 3rd quarter also, I would imagine. Harvey Whittemore said we hope that Wood-Rogers would begin discussions with the planning staff. We are going to make a presentation in May regarding a request to revisit the issue with what happened with the Sky Ranch PUD. That is not for today but, the bottom line is, we will come in and enter into negotiations with the planning staff regarding what additional information is required and agree upon the process with your counsel with what is required, what can or can't be done. We understand Joe's position with respect to those issues but what we are here for today is just to let you know we are still committed to the project and spending a lot of money. Derek is still writing big checks; bigger than Tim ever wrote. We are taking a more professional response to some of the things the county wants and needs as it continues to improve its capacity to address these issues. We are going to continue to cooperate. We don't want there to be any sense that anybody is in an adversarial role but we do have issues that we need to present and talk about and we will continue to do that. Commissioner Heath said, last time, I think we were waiting on EPA permits to cross over the canal. Harvey Whittemore said we finally got those. It was one of those things that we were waiting for those comments to be able to put on the parcel map and then for the water plans. We still need to get NDEP approval and comments back. We are working really hard but we are waiting for other governmental agencies that need to sign off on stuff. Derek Coulter said we want to get ahead of the ball instead of doing things behind the ball or, for lack of a better word, half-assed. We want to make sure we are doing things properly and getting things put in place because the water line is not just a benefit of our little project. The water line is to benefit the community, as a whole. Chairman Scharmann said I want to let you know, before you leave, that we miss Tim. He became a very good friend of mine. The first time he called me he wanted to give me a tour and I wasn't quite sure who was calling me, so I took Rick Lattin along with me to make sure that, if there was any bribing going on or anything like that, I was clear. There was none of that and he was always very above board and he became a very good friend. I started doing those trips with him by myself because I did trust him.

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.

Update on the Potential for Flooding:

A- Consideration and possible action re: Update on the potential for flooding within Churchill County and actions needed for flood mitigation and emergency services.

Staff will provide an update on the potential for flooding and may request that the board direct action as appropriate to respond to the emergency. Actions may be related to flood mitigation efforts or use of County equipment and personnel to assist in emergency response.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED:

Joseph Sanford, Civil Deputy District Attorney, said we are a little bit behind because the real flood update is going on right now. The emergency meeting is going on at TCID as we speak. We may get a little update on this later. Right now, the lake is currently at 106,000 acre feet. The lidar on the mountain had it at 1.4M acre feet. They should be getting an update on that amount today but the expectation is that it will be 1.2M acre feet up there as of April 1st. The BOR has done all the engineering on the 2nd weir and provided those plans yesterday. We have a contract with the steel folks. They are, hopefully, starting that project today. The expectation is to finish no later than May 14th but there is a strong desire to get this done as quickly as possible. That would give us our best chance to get as much water through the system as possible once it is complete. Information remains bleak as far as how the funding is going to come through for that second weir. As far as FEMA is concerned, there has been no presidential declaration of emergency. They generally don't provide any funding for preventive maintenance and only do reimbursements for damage that has already occurred. They did work with us in 2017 but there was also a declaration then. I don't know whether that is going to come through. There are some discussions with BOR to get them to take on the capital costs of this because it would eventually be something they would maintain and control as part of their infrastructure and we would work with creating easements and things like that for the county's use but have the BOR be the ultimate owner of the 2nd weir, which we may allow them to purchase. That is something that, hopefully, will come through and allow us to be reimbursed, at least partially, for this value. Chairman Scharmann said I met with the Mayor yesterday and Jim was there also. Most of the conversation was about flood mitigation along the river and also the town. We took a trip out to look at the weir and where the new one will be built. The steel is on its way. Some of it may already be here. Civil District Attorney Sanford said it was supposed to arrive yesterday and work starting today. Chairman Scharmann said we found out yesterday that it was coming from Virginia not from Fresno. I don't think it arrived yesterday. Some of it may be coming from Fresno, I don't know.

On April 22nd, we will have a group of high school and junior high kids who are going to come out and they will do sandbagging along the river to elderly and folks who are not able to do their own sandbags. We are taking names for those kids, right now, so that we will be able to go out and take care of that business on the 22nd.

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.

Letters Received:

A- Nevada Division of Emergency Management's notification of whether local government utilities are in compliance with the requirement to provide a Vulnerability Assessment and Emergency Response Plan for utilities no later than December 31 of each year.

The Nevada Division of Emergency Management provides notification of whether local government utilities are in compliance with the requirement to provide a Vulnerability Assessment and Emergency Response Plan for utilities no later than December 31 of each year. Utilities (as defined in NRS 704.020(2)(a) and NRS 239C.110) are required to conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and prepare and maintain an Emergency Response Plan in accordance with the requirements of the federal and regional agencies that regulate the utility.

The governmental entities in Churchill County's jurisdiction have been reported to the State of Nevada Public Utilities Commission and Governor of the State of Nevada as follows:

In Compliance

N/A

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

In Non-Compliance

Fallon Naval Air Station

B- Nevada Division of Emergency Management's notification that Churchill County meets the requirement for an annual submission of an Emergency Operations Plan or a certificate recognizing the EOP has been reviewed, deemed current, and sufficient to meet the needs of the jurisdiction during an emergency or disaster.

Nevada Division of Emergency Management's notification that Churchill County meets the requirement for an annual submission of an Emergency Operations Plan or a certificate recognizing the EOP has been reviewed, deemed current, and sufficient to meet the needs of the jurisdiction during an emergency or disaster.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Nevada Division of Environmental Protection's notification of its concurrence with Naval Air Station Fallon's response to NDEP's comments on the Draft Vapor Intrusion Risk Assessment for Installation Restoration Program Site 14.

The Nevada Division of Environmental Protection(NDEP) provides notification of its concurrence with Naval Air Station Fallon's response to NDEP's comments on the Draft Vapor Intrusion Risk Assessment for Installation Restoration Program Site 14. NDEP The documents provided on behalf of the Navy satisfactorily address NDEP's comments. The Draft-Final VI Risk Assessment may be finalized as presented at the Navy's convenience.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

D- City of Fallon's notification of its intent to annex 0.54 acres, more or less, located at 575 Babb Place, Fallon, Nevada.

The City of Fallon provides notification of its intent to annex 0.54 acres, more or less, located at 575 Babb Place, Fallon, Nevada pursuant to NRS 268.670, owned by KSKS, LLC, which property is contiguous to the corporate limits of the City of Fallon. This matter will be considered by the Honorable City Council at their regular meeting on April 4, 2023.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

E- Nevada Division of Environmental Protection's notice of its public hearing and comment period on Nevada Administrative Code related to air pollution, emissions from engines and regulation of highly hazardous substances and explosives, and use of alternative fuels.

The Nevada Division of Environmental Protection provides notice of its public hearing and comment period on Nevada Administrative Code related to air pollution, emissions from engines and regulation of highly hazardous substances and explosives, and use of alternative fuels. A public hearing will be held on March 30, 2023 from 1:00 to 4:00 PM virtually. The NDEP is soliciting comments on NACs subject to the enforcement of these bureaus and their specific programs. The public hearing will help identify changes to specific NACs stakeholders feel are worthy of NDEP's consideration.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

New Business:

A- Consideration and possible action re: Update on the 2023 Nevada Legislative Session and directing staff to provide letters and/or testimony in support and opposition to any bills affecting Churchill County.

The 82nd Session of the Nevada Legislature started in early February of 2023. There are over 400 bills proposed for this session of the Legislature already, with new bills arriving every day. County staff have reviewed many of the proposed bills and have identified many that are of interest to the county. These bills are identified in the attached legislative spreadsheet.

While elected officials are entitled to support and oppose bills on their own initiative, regular county departments require approval by the Board of County Commissioners prior to representing a position before the Legislature.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A
ACTION REQUESTED: Accept

Civil Deputy District Attorney Joseph Sanford said the Nevada Legislature had an extension for the amount of time to submit bills from the 20th to the 27th. That usually happens but there are a great number of bills out there. In the last few weeks, they have gone from about 500 to about 1,000 bills. Everybody is trying to keep up with what is going on. They only have a couple weeks to get those through. It is really busy over there. There have been a lot of last minute bills come up. People are trying to read through them as they have hearings on them. There is not a lot that has come up in terms of things to support or oppose. There is one that did come up that did not have broad support that could use our support, which is AB 297. We have discussed this before. It would revise the 48 hour pretrial release requirement and exclude weekends and holidays from that 48 hour calculation. We were looking at supporting a different bill that had that same thought but they retracted it, so this is the better version of it. Hopefully, that will pass as it is a major burden to our county and almost every other county also. There are some other interesting bills that are not of particular note as far as opposition is concerned. There are increased penalties for catalytic converter theft and things like that. We would like to support AB 297. We should have a more complete update at our next meeting. We should not be getting any new bills after today. The chair can allow more bills if they want to but that is where it stands for now.

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

Commissioner Justin Heath made a motion to authorize the County Manager to provide or to direct testimony or a letter in support of AB 297. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Bureau of Land Management's letter asking if Churchill County wants to be a Cooperating Agency for the process of preparing a Programmatic Environmental Impact Statement (EIS) and Resource Management Plan (RMP) amendments for updated utility-scale solar energy planning on federal public lands.

The Bureau of Land Management has initiated a process to prepare a Programmatic Environmental Impact Statement (EIS) and Resource Management Plan (RMP) amendments for updated utility-scale solar energy planning on federal public lands and wants to know if Churchill County wants to participate as a Cooperating Agency throughout this effort. Being a Cooperating Agency provides the county with the opportunity for enhanced engagement with the BLM throughout the planning and environmental analysis process.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, said this something that, historically, we have wanted to be very involved with. They won't necessarily listen to what we say but we at least

have a seat at the table. We spoke with Jeremy Drew and he is in favor of us having a seat at the table. I would ask that you support this.

Chairman Scharmann said, when I first became a Commissioner, the relationship between Churchill County and the BLM was not real great but it has improved a lot over the last few years. I agree that we should become a cooperating agency on this.

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

Commissioner Myles Getto made a motion to direct the chair to sign the letter to the Bureau of Land Management expressing Churchill County's interest in participating as a Cooperating Agency in the process. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Granting a single one-year extension of time to Haneva, LLC to record a Parcel Map for property located at 1955 Moody Lane, APN: 008-091-11, and consisting of 161.92 acres.

Fallon Haneva, LLC is the entity responsible for the expired Sky Ranch PUD in the northwestern section of Fallon. On April 13, 2022, the Board approved a parcel map splitting the large parcel into four smaller parcels more suitable for development. The parcels are:

Parcel 1 - approximately 36 acres

Parcel 2 - approximately 24 acres

Parcel 3 - approximately 20 acres

Parcel 4 - remainder of approximately 85 acres

This parcel map assists with the Wade Lane alignment and prepares the property for potential future development.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Joseph Sanford, Civil Deputy District Attorney, 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 grant a single one-year extension of time to Haneva, LLC to record a parcel map for property located at 1955 Moody Lane, APN: 008-091-11, and consisting of 161.92 acres. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Approval of Settlement Agreements with Allergan and CVS as part of the One Nevada opioid litigation.

Churchill County has joined the One Nevada Agreement and litigation related to Opioid manufacturers and distributors. This Agreement has resulted in several individual agreements with manufacturers and distributors as settlement of these claims. Recently, final terms have been negotiated with CVS and Allergan, and Churchill County's proposed share has been

determined.

Under the proposed settlement, Churchill County would receive \$91,368.21 over 7 years from Allergan and \$567,950.36 over 10 years from CVS. This is the standard proportional share previously agreed to under the One Nevada Agreement. The document provided herein agrees to this settlement and waives further rights and claims related to the same conduct.

FISCAL IMPACT: \$91,368.21 over 7 years for Allergan; \$567,950.36 over 10 years for CVS.

EXPLANATION OF IMPACT: Funds are subject to the standard terms of the Opioid Litigation.

FUNDING SOURCE:

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 Settlement Agreements with CVS and Allergan. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consent Items:

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

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

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Treasurer's Report for February 2023 showing a balance of \$52,587,483.79 in the account.

Clerk/Treasurer Linda Rothery provides the Treasurer's Monthly Report for February 2023 showing a balance of \$52,587,483.79 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

C- Consideration and possible action re: Transfer of funds to the Churchill County Road Department, in the amount of \$300,000, for FY 2023 road and bridge projects for the 2nd quarter.

The Churchill County Road Department is requesting a transfer of funds in the amount of \$300,000 for payment of FY 2023 Road and Bridge projects for the 2nd quarter. The transfer is

to be split 50/50 between Regional Transportation Fund 280 and Public Transit Fund 395.

The reimbursement is for the Tarzyn Road Double Chip Seal project, in the amount of \$97,698.46, and the Blade Maintenance of county roads for the period of November 1, 2022, through January 31, 2023, in the amount of \$219,278.86.

Although the projects total \$316,977.32, the department is only requesting to transfer the encumbered amount of \$300,000, which was approved by the Regional Transportation Commission at the November 16, 2022 meeting.

FISCAL IMPACT: \$150,000 from Regional Transportation Fund 280-630-85300 and \$150,000 from Public Transit Fund 395-881-85300

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: \$150,000 from Regional Transportation Fund 280-630-85300 and \$150,000 from Public Transit Fund 395-881-85300

ACTION REQUESTED: Accept

D- Consideration and possible action re: Bureau of Land Management's second 30-day external scoping period in preparation of the National Environmental Policy Act (NEPA) process for the proposed Clan Alpine Horse Gather EA and Churchill County's submitted comments.

The Bureau of Land Management (BLM) provides notification of its second 30-day external scoping period in preparation of the National Environmental Policy Act (NEPA) process for the proposed Clan Alpine Horse Gather EA. The proposed action is to gather and remove excess horses inside and outside of the Clan Alpine Herd Management Area (HMA) to achieve low end of appropriate management level (AML) within the HMA located in Churchill County. The AML for the Clan Alpine HMA is 612-979 horses. In July 2021, BLM conducted an aerial census flight and estimated the population of the HMA to be at 1,735 horses, which is well above AML. BLM completed a census flight in February of 2023 to calculate a more current estimate and those figures are currently being reviewed by a statistician and will be available for analysis in the EA.

The 30-day public scoping period runs from February 28, 2023 to March 30, 2023. Churchill County had Jeremy Drew, with Resource Concepts, prepare and submit comments from the county, which letter is provided for review. After review of the scoping document, the county supports the Proposed Action, with a recommendation to incorporate the eight bullet points contained in the letter. The county strongly opposes the "No Action Alternative". The BLM was requested to closely review and consider comments that may be submitted by State Grazing Boards, state agencies, and potentially affected county citizens and public land ranchers that may respond to the Preliminary EA.

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 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:

There were no future Agenda items suggested.

Commissioner and Management Staff Reports:

Chairman Scharmann reported on the following topics:

- We all attended the emergency Commission meeting and the Budget meetings.
- I attended a NACO meeting. It was well attended by a lot of counties.
- I met with Mrs. Schoffield about the IEC preparation meeting.
- I met with the Mayor and Jim yesterday. We talked quite a lot about flood control.

Commissioner Heath reported on the following topics:

- I had a Lahontan Conservation District meeting.

Commissioner Getto reported on the following topics:

- I had a CC Communications update meeting. It was very informational.
- I had a Fire Board meeting, which was very informational.

County Manager Barbee was not present.

Sheriff Hickox reported on the following topics:

- We have had several meetings with Motorola to tell them we were not pleased with their services. We have projects that have been ongoing for several years. Some were paid for a year ago and we still have not received the product. We were finally able to make some progress after many emails. We got a mapping system moving forward and we are now able to see where other cars are at in some of the cars but not all of them yet. We had lost that ability for that after Motorola did some updates. This is a huge officer safety issue. We have been fighting with them for about 3 years to get that back.
- We had the E-911 meeting and we also met with AT&T. We are currently with Verizon. They have made some promises about being able to bring in mobile towers for events and that kind of thing, either planned events or emergency events, so we could set up and have better radio and telephone communications at events. We asked them to assist us and bring in a tower to Sand Mountain and they reneged on their offers and their claims that they could do it and tried to turn it into a sales pitch. AT&T said they can do it. They are bringing us some equipment and, in this flood issue, if we ever lose a road and were stranded, we could bring in a new tower.

- We are still having an end-of-life meeting with Motorola to come in and do some further assessment of our 911 equipment because we found out our one piece was not supported and should have been replaced a number of years ago.
- We had a new civil employee start and she is doing very well. She has a lot of experience. Jen Jones will be retiring in July and we have a Letter of Intent for a new hire to take her place.
- Our new dispatcher is doing very well. We have another one in the last stage of hiring.
- We have another deputy that has decided that this job is not for him and has tendered his resignation. We wish him well. We are testing next Saturday for new hires.
- We are still looking for a new body scanner that was approved in the budget. Our grant came through, so they were able to pull money from two different funds to get that grant. We had applied for that before.
- I took a few days off for my 26th anniversary.

Comptroller Wideman reported on the following topics:

- My office is busy working to get the Tentative Budget and the taxation report submitted by the 14th.

Clerk/Treasurer Rothery was not present.

Civil Deputy District Attorney Sanford reported on the following topics:

- We will be getting some information as it relates to the cost of our flood mitigation efforts and be able to get our contracts in place for that, which was approved at the last emergency meeting.

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. He said that William N. Pennington had done a lot for Fallon and, this week, he would have been 100 years old.

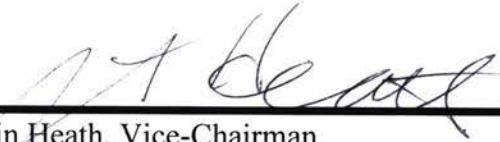
Adjournment:

The meeting was adjourned at 9:26 AM.

Approved:



Harry "Bus" Scharmann, Chairman

Approved: 

Justin Heath, Vice-Chairman

Approved: 

Myles Getto, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer



Renae Paholke, Deputy Clerk