

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

May 17, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 1:20 PM on May 17, 2023.

PRESENT:

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

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 11th day of May, 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:

Chairman Scharmann noted that Item 8 related to the Closed Session and New Business E regarding Resolution 8-2023, ad valorem tax levy for Cooperative Extension, have been withdrawn, and therefore, the Agenda was revised.

Commissioner Myles Getto made a motion to approve the Agenda as revised.

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

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

A- April 19, 2023.

The Minutes of the meeting held on April 19, 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 Justin Heath made a motion to approve the Minutes of the meeting held on April 19, 2023 as presented. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Appointments:

A- Presentation of the 2023 Jim Regan Memorial Scholarships to the following individuals with the amount of the scholarship: Royce Mills \$1,500; Stacie Bogdanowicz \$1,500; Austin Mize \$1,000; Dallas Shults \$1,000; and Nicole Persek \$500.

Jim Regan was a former Churchill County Commissioner who served from 1989 to 2000, when he passed unexpectedly while in office. Thereafter, the Jim Regan Memorial Scholarship Fund was created. The Jim Regan Memorial Golf Tournament is held each year to fund the scholarship. Each year, scholarships are determined and posted for general Churchill County employees or their dependents.

This year, a total of six (6) qualified Applications were received. Pam Moore and Jim Barbee reviewed and ranked the Applications and determined how the scholarships should be awarded based upon the scholarship eligibility criteria. The board is asked to make a presentation of the 2023 Jim Regan Memorial Scholarships to the following individuals with the amount of the scholarship: Royce Mills \$1,500; Stacie Bogdanowicz \$1,500; Austin Mize \$1,000; Dallas Shults \$1,000; and Nicole Persek \$500.

FISCAL IMPACT: \$6,000.00.

EXPLANATION OF IMPACT: Adequate funds are available in the Jim Regan Memorial Scholarship Fund to award these scholarships. Furthermore, the Jim Regan Memorial Golf Tournament will be held on September 16, 2023 to contribute additional money to the fund.

FUNDING SOURCE: Jim Regan Memorial Scholarship Fund.

ACTION REQUESTED: Other

Deputy Clerk to the Board Pamela Moore presented this item. The board made the presentations but no action was taken.

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

The BLM will provide an update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

John Mitchell, Acting Field Manager, had a PowerPoint presentation as follows:

Stillwater Field Office Bureau of Land Management

John Mitchell
Acting Field Manager
Stillwater Field Office
(775) 885-6075



U.S. DEPARTMENT OF THE INTERIOR
**BUREAU OF LAND
MANAGEMENT**

Geothermal Projects

- Diamond Flat – Writing and reviewing preliminary EA
- Wabuska (exploration) Completed baseline surveys
Contractor is working on comments
- Dixie Meadows – Still in discussions with USFW on BA
- Coyote Canyon (exploration) – EA in progress

NDAA FRTC

- Trying to hire project manager to focus on implementation of FRTC
- BLM working through legislation which designated new SMAs, Wilderness, NCAs and grazing boundary changes

Wild Horse and Burro

- Marietta Burro Gather EA is complete, waiting on funding and ranking to conduct a gather
- Clan Alpine Horse Gather EA
Scoping is complete
Preliminary EA being completed
Public comment period will be open soon

Most of the Geothermal Projects are sitting where they were last time we talked. Chairman Scharmann said is there any timeline on those? John Mitchell said not specifically. We have a lot going on, as you know. We have the FRTC on top of it, which slows things down. We are trying to hire a Project Manager to focus on implementation. It is working its way through our process. Hopefully, there will be some progress on that and it will help alleviate the workload on the staff and be able to focus more on other stuff.

With regard to the Wild Horse and Burro Program, we are working on that Clan Alpine Horse Gather EA. Scoping is completed, the Preliminary EA is being completed, and the public

comment period will be open soon.

Vero Fiber Optic Line

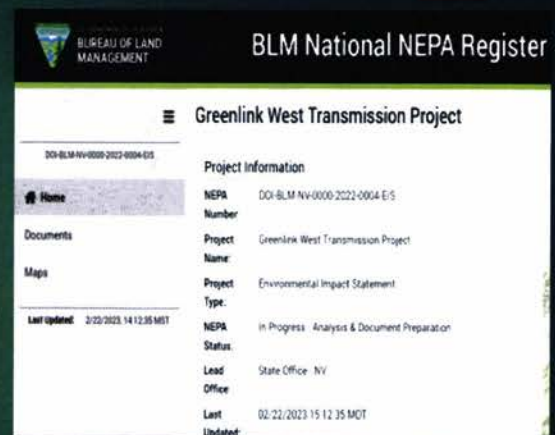
- Vegas to Reno, project is being managed out of the NVSO with local office support.
- 450-mile buried fiber optic line
- Approximately 58 acres of linear ROW
- Scoping period ended May 3, 2023
- Working through comments
- Draft EA to follow



Regarding the Vero Fiber Optic Line, we are working through those comments and starting the Draft EA for that. Once that is ready, we will be sending out notifications for public comment.

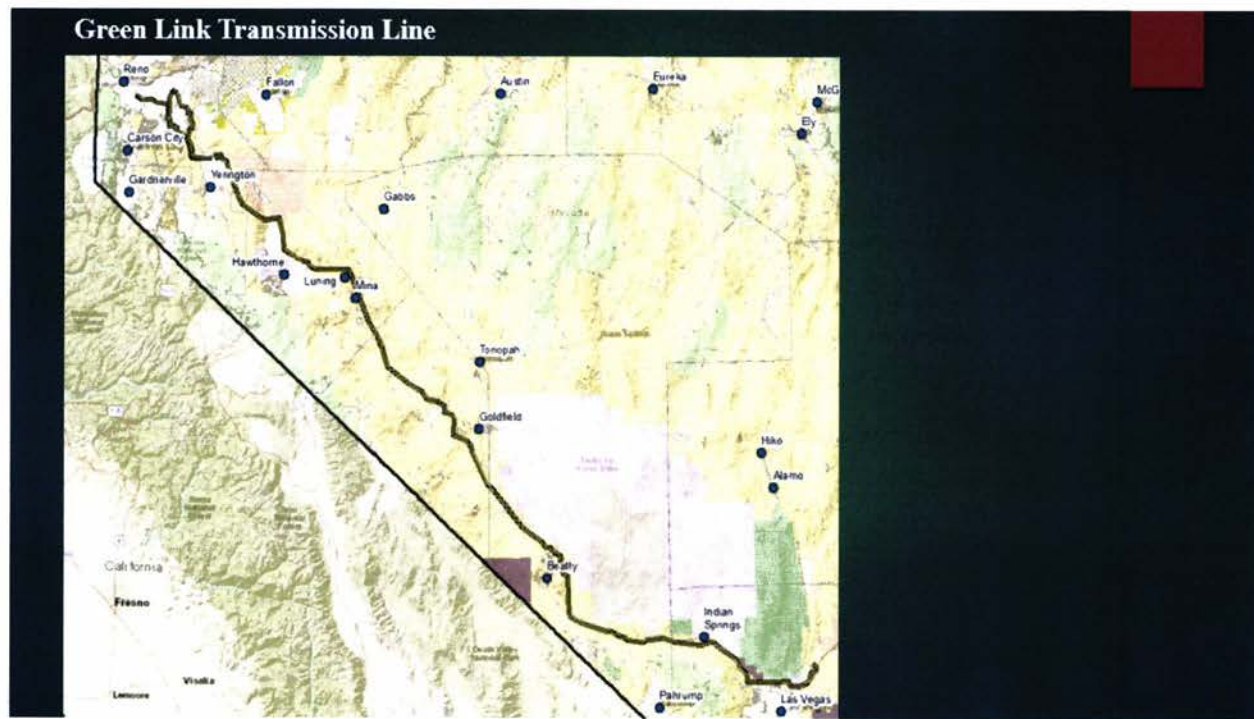
Green Link West—being managed out of the NVSO with support from office

- 477-mile transmission line between Reno and North Las Vegas
- Spans portions of Clark, Nye, Esmeralda, Mineral, Storey and Washoe Counties
- BLM anticipates release of the Draft EIS for 90-day public review and comment period in mid-2023
- BLM will publish a Notice of Availability in the Federal Register announcing the review and comment period
- Notification will also be made to local media and to parties on the project mailing list
- BLM National NEPA Register (link to project <https://eplanning.blm.gov/eplanning-ui/project/2017391/510>)



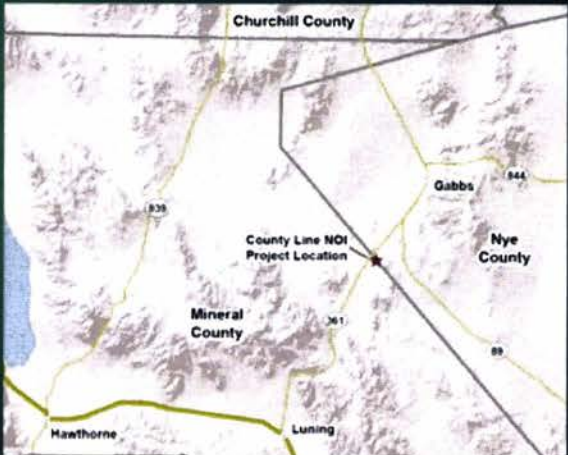
The Green Link West is very much the same. We are working on the Draft EIS and hope it will

be ready in the middle of 2023 for the 90-day public comment period. The link at the bottom will take you to the screenshot on the right of the slide.



County Line NOI

- Located approximately 10 miles South of Gabbs
- Formerly in the Paradise Peak Mine Com
- Operations proposed are within Former Paradise Peak Mine footprint



A map showing the County Line NOI Project Location. The map highlights the intersection of Churchill County, Mineral County, and Nye County. The project location is marked with a red dot and labeled "County Line NOI Project Location". Other locations shown include Hawthorne, Luning, Gabbs, and Indian Springs. Highway numbers 93, 94, and 89 are also indicated. A red rectangle is visible in the top right corner of the slide.

We have a new project called the County Line Project. It is a new mine project between Mineral and Nye County but it does not directly affect Churchill County. It is in the old footprint of the Paradise Peak Mine. We are looking at drafting a scoping letter, which will be out soon.

Other Projects

- Legacy Baja Nevada Race SRP – was completed last weekend BLM will be out doing post-race compliance
- VORRA Hawthorne Race SRP – To be held over Memorial Day Weekend
- Paine Grazing Permit Renewal
 - Baselines surveys complete
 - Working on preliminary EA

We just completed the Legacy Baja Nevada Race last weekend. BLM will be out doing post-race compliance.

The VORRA Hawthorne Race SRP – To be held over Memorial Day Weekend.

The Paine Grazing Permit Renewal baselines surveys are complete and we are working on the preliminary EA.

County Manager Barbee said, at our last EIC meeting, a comment was made by Justin Snow about the expansion of B-16 in which he identified on that grazing area there is an HMA that is supposed to have 6 horses but it actually has 600 horses and, as that progress is made, because that is the Navy's first priority for basically building out and fencing off that Bravo area, because he loses half of that HMA, what will be done to get that down to like 3 horses? John Mitchell said we are still talking about how to address most things with the FRTC. County Manager Barbee said I understand but he got his 2-year notice. John Mitchell said that is right and that notice is notification, regulatory notification, which we are required to send, so hopefully, through this process in the next few years, we will have those discussions and try to come to some solution there. County Manager Barbee said the idea would be whatever action would happen, if it is within 2 years with him, it would have to be within 2 years of dealing with horses. John Mitchell said, from many of our gathers, as you guys know, it depends on funding and available space but that doesn't mean that we are not trying to figure out what to do about it. County Manager Barbee said we are going to keep drawing that one back because we don't want those horses lined up somewhere else in our beautiful county.

Chairman Scharmann said on the wild horses, just one thought, a lot of times they are cancelled, not because of funding or anything like that, but because of demonstrations and so I just want the BLM to really have a strong backbone and go ahead with the gathering.

Chairman Scharmann asked if there was any public comment but there were none. This item was presented for informational purposes only and no action was taken.

C- Consideration and possible action re: Request for funding in the amount of \$2,500 from The Fallon Bowmen for Fiscal Year 2023.

The Fallon Bowmen is a local non-profit 501(C)(3) organization dedicated to growing and promoting recreational archery for people of all ages. The Fallon Bowmen specifically aim to gain the interest of young people and have planned events targeted to attract and grow youth involvement in the sport. On May 20-21, 2023, the organization is hosting The Fallon Bowmen River Animal Madness (R.A.M.) 3-D Archery Tournament, which is an annual event. In addition to promoting recreational archery and helping prepare archers to become better hunters, they seek to promote Fallon and encourage participation from northern Nevada and beyond to attend their events. Additional information regarding The Fallon Bowmen is detailed in the Application for Funding and their upcoming event flyer, which is provided for the board's consideration. In Fiscal Year 2022, the board granted \$1,500 to support The Fallon Bowmen.

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

EXPLANATION OF IMPACT: The county has a line item budget for miscellaneous community support items. As of the date this report was prepared, the Miscellaneous Grants line item has \$2,732 remaining through June 30, 2023.

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

ACTION REQUESTED: Accept

Hunter Mori 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 funding in the amount of \$2,500.00 to support The Fallon Bowmen in fiscal year 2023. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Approval of the Modification and Early Termination of the Agreement for Professional Services with Caleb Cage related to the Central Nevada Health District.

Churchill County entered into an Agreement for Professional Services with Caleb Cage in December 2022 for the provision of transitional management services on behalf of the Central Nevada Health District (CNHD). That Contract pays Caleb Cage \$4,000 per month and is currently set to terminate on June 30, 2023. With an open/unfilled CNHD administrator position, an interim administrator is needed. It has been reviewed in the interest of the CNHD and determined that the Churchill County Contract for transitional management services should be terminated early and that a Contract with Arc Dome Strategies be entered into with the CNHD for an interim administrator. The CNHD Contract provides for payments of \$8,000 per month for interim administrative services. The payment for May in the CNHD Contract would only pay \$4,000 for services rendered as Arc Dome Strategies has already been paid \$4,000 through the Churchill County Contract.

FISCAL IMPACT:

EXPLANATION OF IMPACT:

FUNDING SOURCE:

ACTION REQUESTED: Accept

Jeff Weed, Civil Deputy District Attorney, made this presentation as outlined above.

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

Commissioner Myles Getto made a motion to approve the Agreement For Modification and Early Termination of the Agreement for Professional services with Caleb Cage. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Closed Personnel Session Pursuant to NRS 288.220:

A- Closed Personnel Session Pursuant to NRS 288.220 re: Discussion of the negotiations with the Churchill County Sheriff's Deputies Association.

A closed session will be held to discuss the progress of negotiations with the Churchill County Sheriff's Deputies Association. No action will be taken as this is for informational purposes only.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

This item was withdrawn prior to the meeting.

Appeal of Planning Commission Decision:

2:00 PM A- Public Hearing of Appeal - Consideration and possible action re: Appeal of the Planning Commission's decision made on April 12, 2023 to deny issuance of a variance for rear setback requirements from 20 feet to 3 feet filed by Leslie Beach at 6755 Reno Highway, APN: 008-141-18, consisting of 0.77 acre in the C-2 Zoning District.

This matter is an Appeal of the decision by the Planning Commission to deny a variance for rear setback requirements from 20 feet to 3 feet filed by Leslie Beach at 6755 Reno Highway, APN: 008-141-18.

The Planning Commission had to make a decision regarding this Application since it had already been tabled at a previous meeting (March 8, 2023) in order for the Applicant to gather information from NV Energy related to the power pole easement located near where the building was proposed to be placed and, since the Applicant was not at the meeting and had not requested a postponement prior to the meeting, state law required a decision be made at the April 12, 2023 meeting.

History: The Applicant has been dealing with a variety of issues at the site that includes code enforcement actions and changing of uses. This culminated in obtaining a Special Use Permit for a duplex in April 2022, along with a street setback variance. It was learned recently that the lot depth is not what was thought and the actual rear lot line is very near the rear of the planned building. Previously, the lot depth on the east property line was thought to be 90 feet but was later found to be around 73 feet. The Applicant has submitted another variance to resolve the problem in a way that she can continue with the intended project. If not approved, the duplex will have to be reconfigured.

Past residential uses on the property were non-conforming uses that went away long ago. The Applicant wanted to re-establish a residence, which is normally not allowed. She chose to establish a multi-family duplex because multi-family dwellings were an allowable use through a Special Use Permit at the time. The permit was approved just before the code changes that established the R-3 zoning district and also made multi-family dwellings prohibited in the commercial zones. Thus, this Application is vested under the previous law but then will be a legal non-conforming use. However, if the Special Use Permit expires without implementation, the proposal will lose its grandfathered status. Once constructed, the duplex will remain a non-conforming use as long as it is occupied but, if it ceases, it will lose its non-conforming status.

Project Summary: The application proposes a variance from the rear setback to allow the new building to be 3' from the rear property line instead of the required 20' – a reduction of 17 feet or approximately 85%. The applicant verbally indicated that the property line falls roughly where the line of garden pots are seen in the application photos. It should be noted that the ground behind the structure has been filled well into the adjacent property. If that owner objects, the fill may have to be removed and a retaining wall constructed.

The Director has already approved a one year extension for the Special Use Permit and previously approved variance related to this project.

Recommended conditions:

1. The approved yard setback is 3 feet from the rear property line, and ONLY applies to the addition to create the duplex. The normal setbacks apply in all other situations.
2. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in the Churchill County Code. A Building Permit Application for the structure of the second dwelling must be submitted before expiration. Permits for other site facilities will not meet this requirement.
3. Compliance with Churchill County Code, including any approved variances.

A copy of the Staff Report and excerpt from the April 12, 2023 Planning Commission meeting Minutes are provided for the Commissioners' review and decision.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Civil Deputy District Attorney Joseph Sanford said this matter is an Appeal of the decision by the Planning Commission to deny a variance for rear setback requirements from 20 feet to 3 feet filed by Leslie Beach at 6755 Reno Highway, APN: 008-141-18. Leslie Beach is not present. She filed an appeal from the decision on April 13, 2023 by the Planning Commission to deny her request for a variance. That denial was based on the fact that she did not appear for the hearing. She appealed that decision to today and I would note for the record that notice of today's hearing was published in *The Fallon Post* for today, May 17, 2023, at 2PM. At this time, it is at the Chair's discretion as to how he would like to proceed without the appellant present. You have the right to deny the application in its entirety or you can request Public Works Director Chris

Spross to present the matter and make a decision on the merits in her absence. Chairman Scharmann said asked if there was anyone here to speak for or against Leslie Beach?

Public Works Director Spross said I will just highlight some of the high points. On February 3, 2023, the Public Works Department received an application from Leslie Beach for a variance to reduce her rear setback from 20 feet down to 3 feet. After reviewing the application, it was deemed complete so we put the matter on the Agenda for the March 8th meeting. Prior to that meeting, Chairman Blakey and I went out to the site and looked at this application. The addition to the home was laid out and Chairman Blakey noticed that the way the addition was laid out, it appeared to encroach into the NV Energy easement. There is a power pole that sits on the property line that extends out to Highway 50. When that matter was discussed with the applicant, they said they would reach out to NV Energy and have them come and look and provide some direction. At that point, hearing #1 took place on March 8, 2023 and the applicant was unable to provide us with any documentation aside from a statement from NV Energy that stated they have a 10 foot easement along the power poles and lines. At that point, the Planning Commission decided it would be best to table this application until we receive information that NV Energy was aware of the addition's proximity to the easement or the power line, so we tabled it for the following meeting, which was on April 12, 2023. We anticipated, at that time, the applicant would come in and give us the information that the Planning Commission had requested. The hearing took place on that date and the applicant failed to show up.

It is prudent to note that Nevada Revised Statutes (NRS) allow the Planning Commission only a certain amount of time to make a decision. When that decision was tabled at the first meeting, sending this matter to the subsequent meeting was really bumping up against that amount of time that they had. We thought that when the applicant shows up at the 2nd meeting, if she does not have the appropriate documentation, we will ask her to request a postponement of her item so she can gather that. With her not being there, we were unable to ask her for a postponement and, therefore, the Planning Commission opted to deny the application, still not having the information from NV Energy. It is prudent to note, although I am not going to speak on behalf of the Planning Commission, I really don't feel that the Planning Commission had a problem with the variance. As stated, the application was thorough. It included pictures and, based on the site visit, I really don't think they had an issue with the variance. The issue was that the Planning Commission was very concerned that, by the county approving this variance, the Applicant constructing their addition and then NV Energy showing up and saying you are in our easement and you need to take that down and that would have blowback on the county. We want to prevent that from happening. We want to make sure that all the information to build that addition was in front of the Planning Commission and they could make a sound decision. Chairman Scharmann said, does she want to build on the easement? Director Spross said the way the drawing was shown to us matched what the layout was onsite and that encroached into the easement. We have received a subsequent drawing that shows it being moved away from the power pole but it doesn't show, the easement travels from the ground surface to the sky and when that power line runs from one power pole to another one, that easement follows that powerline, so it is just not a matter of being away from the power pole, it is a matter of it being away from that entire easement. The subsequent drawing that we got seemed to relocate the addition away from the pole but did nothing to get away from the easement of the line. We

received that drawing after the second hearing had been held.

Chairman Scharmann said, without her here, it probably would be better for us to deny the application and let her start all over with the Planning Commission. Director Spross said, yes, I would agree with you 100%. This application is a little bit more complicated in the sense that building this addition per county code was the only way the applicant was going to be able to reside in this property. It used to be a residential property. It has had several businesses in it. It was a non-conforming residential property because it was in C-1. Once a business is put into that and it is not used as a non-conforming residential property for 365 days or more, it loses that status, so therefore, you cannot take that residence and turn it back into a residence once it had a business in it, so the way that she can prevent that from happening is to turn this house into a duplex, which is then considered commercial. If she cannot build this addition, she cannot reside in the property. We are not saying she cannot build the addition; she can put it in a different location, we just want to make sure and the Building Department wants to make sure when they see these drawings that they are not encroaching on the NV Energy easement. We wanted to make sure that there is no way that there could be blowback on the county for us approving a variance. I really don't think the Planning Commission took issue with the variance itself. There was a lot of miscommunication when the house was surveyed or the owner just didn't know. There are several components of her property that already encroached into that 20-foot setback and it has to do with the fact that they did not know where the property line really was. This is just trying to match up the addition to where their house is. It would be my recommendation to uphold the Planning Commission's decision to deny but I wanted to lay the foundation of what the implications of that could be. We have not heard from NV Energy on this matter. When the Building Department receives the actual set of plans for this addition, whether it be from the contractor or the owner, they will also require a statement from NV Energy that says it is not encroaching onto our property. The representative on the Planning Commission did not want to put the county in that position by granting approval of the variance.

Commissioner Heath said, if we deny this now, can she come back and resubmit all the paperwork? Director Spross said I believe she has one year. She could move the location of the addition and take it out of where she would be required to have this variance and then she would not even need to come before the Planning Commission, she would just need to go to the Building Department but, if she intends on putting that in the same place and reapply, it would be one year from the date today or the date of the decision you make. Once this was all discovered, she has not done anything since that.

Commissioner Getto said she is currently out of compliance, is that correct? Director Spross said that is correct. Commissioner Getto said if we deny it today, she will be out of compliance for an additional year. Would it be better to send it back to the Planning Commission instead of denying it? Director Spross said that is certainly an option. You can send it back to them but we would be in the same place in the sense that we would still require her to get the documentation but it would not put that one year time frame on her being able to reapply. Commissioner Heath said we are not under any NRS at this time to act? Director Spross said, no, at that point, we are not. Commissioner Getto said, on the same note, if it was important to her, she would be here. I don't want to keep playing this cat and mouse game and chase back and forth and not show up

to Planning Commission meetings and coming before a Commission meeting and not showing up. I am leaning more towards denial, personally. If you are out of compliance, you are out of compliance and our code enforcement office will take care of it.

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

Commissioner Myles Getto made a motion to uphold the denial of the variance by the Planning Commission. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Update on 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: Other

County Manager Barbee had the following photographs of the weir and reported that the first one is the lower portion of the spillway. The line that you see to the left with the shadow below it is actually the bridge structures across the three bays of the weir and I am standing, roughly, with my back and up against the old weir to kind of give you an idea of where we are at looking toward the east. That is where they are excavating in front of the new weir and, at the same time, cutting the face of the steel pylons out equal with the concrete and that is where the water will come from the weir or come from the V-line into the new weir, as we move forward, so that gives you an idea that they are moving quick. I went out today because I figured by the time I got back on Friday, they would be done and it looks like that will be the case. You can also see, right above the gentleman's head that is standing there, is the walkway portion of the bridge and then the truck is parked on the actual drive over portion of the bridge. Of course, both of these will be only for TCID and BOR use. In the summertime, when the weir isn't being used, they will be able to pass down below where the water spillways are. They have made tremendous progress in a short amount of time. It really is hats off to TCID, the Road Department, to BOR and to Gary and Cody for leading this project and accomplishing as much as they have in such a short amount of time. I think our original proposed date was maybe the 15th or the 16th and it looks like we are going to hit around the 20th, so that is really saying something.

County Manager Barbee said I guess there was a meeting held earlier today, I was not aware of it, but in that meeting TCID and the BOR have decided that they are going to test it and let water run through the center chamber for 3 days and then close it down and proceed to fill the lake. I am not sure beyond that what details exist or what that means, if they plan on filling the lake completely or what, I am just not sure. I was not included. The current snowtel, which is the flight that they did on Friday, is that there are 715,000 acre feet of water still up on the

mountains, so that would be representative of two plus lake loads that are on the mountain that will still have to come through the process. Everyone's goal, obviously, is to finish the season with water on the boards as it always has been. I will be blunt, depending on how full the lake is filled up, I have concerns of if we have a rain event and get a big push of water, that may be something that is a challenge for the powers that be that are controlling the levers, as we look forward, moving forward. I do feel like we are in a better place than we were, for sure, on March 6th when we opened up the weir and started planning to put this in place. I think one of the big takeaways, ultimately, is that for every year now, moving forward, at any given moment, we can match the amount of water outflowing the dam to outflow the system without a negative impact of both the farmers and the residents that live on the river, so we are probably in a situation where we have the best potential controls that we could possibly have as other flood events or weather events happen moving on into the future beyond our careers and lifetime, so that is one really good thing.

Chairman Scharmann said I just want to add one thing to this. It is simply my opinion. It is not Myles and it is not Justin's opinion. Our main role as County Commissioners is safety in the county. That is why we spend a lot of time with our Sheriff and the others. We talked about roads earlier. Our main responsibility is safety. When we approved those weirs, the newest weir and when we approved the old weir back in 2017, our main responsibility was safety. In other words, we want to keep water out of homes. That is our main goal right now. As far as I am concerned, it is keeping water out of homes. I hope that TCID sees that. When you have over two times as much water still up in the mountains, it's very concerning to me that they aren't going to use these weirs as they should be. I hope they come to their senses and realize these need to be used for safety and to keep water out of homes. We even talked about Highway 95 but it is more important to me that, even if we had to close that highway down because of instability of the underground or whatever, it is still more important to keep the water out of homes. That is our main objective -- to keep the water out of houses and I hope that TCID sees that.





Letters Received:

A- Nevada Division of Environmental Protection's Response to Release/Spill information Report and proposed further actions from Welsco Drilling for a release/spill of contaminants at the intersection of US 50 and Downs Lane, Fallon, Nevada.

The Nevada Division of Environmental Protection (NDEP) has received and reviewed the Release/Spill Information Report (Report) dated April 25th, 2023, prepared and submitted by Tracy Johnston, CEM of Converse Consultants on behalf of Welsco Drilling.

The Report describes the initial remediation efforts and environmental sampling conducted by Converse Consultants at the above-described location (Site). Contamination remains in place in soil above action levels or remediation standards at the Site. Converse Consultants proposes additional environmental investigation to assess the magnitude and extent of residual contamination in soil and groundwater at the Site. This will include advancing eight (8) direct push borings at the site and collecting a minimum of one soil and one groundwater sample from each boring. Following the receipt of laboratory results, Converse Consultants will develop a report summarizing the sampling results and proposed further remediation efforts.

NDEP concurs with the recommendations described in the Report. NDEP requests all report documents be submitted in digital portable document format (pdf; e.g., compact disc, e-mail) concurrent with a hardcopy document. Please be advised that NDEP has a 20 megabyte limit for e-mail attachments.

If you have any questions or need further assistance, please call 775-687-9496 or email ksalls@ndep.nv.gov.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Public Hearing - Budget and Tax Rate for Fiscal Year 2023-2024:

1:20 PM A- Consideration and possible action re: Approval of Churchill County's Final Budget and Tax Rate for Fiscal Year 2023-2024.

Comptroller Wideman will present the proposed Churchill County Tax Rate of \$1.2829 and the Final Budget for Fiscal Year 2023-2024. During the meeting, the Commissioners shall seek public input on the Final Budget and Tax Rate. The overall Churchill County rate is \$2.8629 and the City of Fallon rate is \$3.6600. The taxes on an Assessor appraised home valued at \$100,000 in Churchill County would be \$1,002.02 and \$1,281.00 in the City of Fallon.

FISCAL IMPACT: As budgeted.

EXPLANATION OF IMPACT: As budgeted.

FUNDING SOURCE: Churchill County, Nevada Budget.

ACTION REQUESTED: Accept

Comptroller Wideman said I put a balanced copy in all your boxes and you also go an electronic copy.

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CHURCHILL COUNTY

There's no place like home!

Public Hearing on 2024 Tax Rate



Presented to
Board of County Commissioners on
May 17, 2023



NRS 354.598 Final Budget

- Statute Requires Public Hearing on Tax Rate before June 1st
- Indicate changes from Tentative Budget
- Shall adopt a final budget by the favorable votes of a majority of all members of the governing body
- Submit signed copy to Department of Taxation

This is our final budget per statute. We have to have a public hearing before June 1st indicating any changes between the Tentative Budget and the Final Budget and then adopt the Final Budget and submit it to taxation.

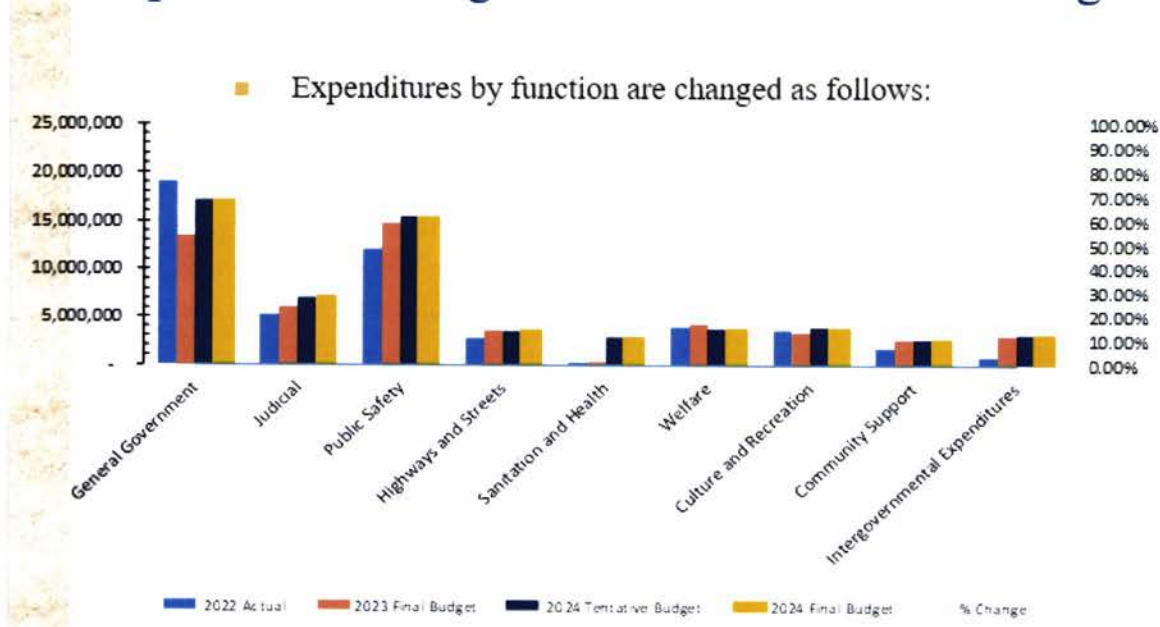
Revenue Changes from Tentative Budget

The second half of the ARPA PILT grant of \$3,464,224 was added to the General Fund and some small changes within the CC Communication budgets.

	<u>2024 Tentative Budget</u>	<u>2024 Final Budget</u>	<u>% Change</u>
Property Taxes	10,076,380	10,076,380	0%
Other Taxes	52,000	52,000	0%
Licenses and Permits	1,896,414	1,896,414	0%
Intergovernmental Resources	21,933,119	25,397,343	15.79%
Charges for Services	26,036,964	26,017,748	-.07%
Fines and Forfeits	497,500	497,500	0%
Miscellaneous	1,753,556	1,753,556	0%
Total	\$62,246,073	\$65,691,081	15.72%

This is the difference between the Tentative Budget and the Final Budget for the revenue side. CC Communications had a few minor changes and I also added in the PILT so that we would have a strong enough fund balance. That doesn't mean we have to spend it within the General Fund but it is there because we are expending out all the flood and everything through the General Fund. That is the only difference between the revenue that I presented at the Tentative Budget and Final Budget. Any questions on revenue? There were no questions.

Expenditure Changes from 2024 Tentative Budget



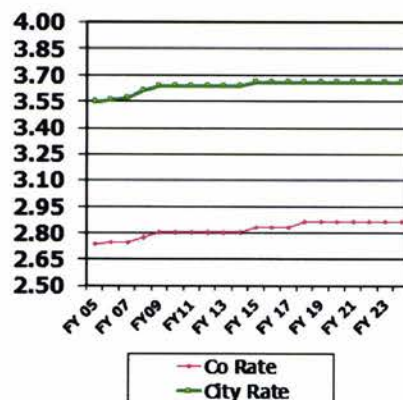
For the expenditures, the same thing. We didn't change anything from the Tentative to the Final Budget except CC Communications had some minor changes between their budgets and a reminder that we have the 5% general adjustment for employees within this budget. If we look at our graph here, with expenditures, you can see from 22 is the blue, orange is the Final Budget, so you can see for 23 and then our 24 budget in the black and yellow, they are the same so this is just the elemental funds. That is the chart. I don't know if you have any questions on that but there were none.

Historical Tax Rate Data

Summary of Tax Rates

Year	County	City
FY 05	\$2.735	\$3.55
FY 06	\$2.745	\$3.56
FY 07	\$2.745	\$3.57
FY 08	\$2.775	\$3.61
FY 09	\$2.803	\$3.64
FY 10	\$2.803	\$3.64
FY 11	\$2.803	\$3.64
FY 12	\$2.803	\$3.64
FY 13	\$2.803	\$3.64
FY 14	\$2.803	\$3.64
FY 15	\$2.833	\$3.66
FY 16	\$2.833	\$3.66
FY 17	\$2.833	\$3.66
FY 18	\$2.863	\$3.66
FY 19	\$2.863	\$3.66
FY 20	\$2.863	\$3.66
FY 21	\$2.863	\$3.66
FY 22	\$2.863	\$3.66
FY 23	\$2.863	\$3.66

FY 24 \$2.863 \$3.66



We are also to approve the tax rate, which had not changed because we are pretty much capped out there, so that is the history of our tax rate data. No changes this year.

Final Tax Rate Allocation –No Changes

CHURCHILL COUNTY AD VALOREM TAX Fiscal Year 2023-24		Exhibit A Final Budget Tax Rate	
FUND	TAX RATE	COUNTY RESIDENT	CITY RESIDENT
GENERAL	0.85100	29.73%	33.25%
SOCIAL SERVICES	0.06500	2.27%	1.78%
SENIOR CENTER	0.06000	2.10%	1.64%
AG EXTENSION	0.01500	0.52%	0.41%
PUBLIC LIBRARY	0.06500	2.27%	1.78%
Subtotal County Rate	1.06600	36.89%	38.86%
CAPITAL IMPROVEMENT FUND	0.01000	1.75%	1.37%
LOCAL GOV'T TAX ACT 1991	0.02190	0.76%	0.60%
YOUTH SERVICES	0.01000	1.75%	1.37%
HOSP CARE DND MVA	0.01500	0.52%	0.41%
DND MEDICAL CARE	0.06000	2.10%	1.64%
FIRE EQUIPMENT APPRAISAL LEVY *	0.01000	1.05%	0.82%
Subtotal Override Rate:	0.22690	7.93%	6.20%
Mosquito and Weed Abatement	0.00000	2.79%	2.19%
School District			
OPERATING RATE	0.75000	26.20%	20.40%
DEBT SERVICE	0.55000	19.21%	15.03%
Subtotal School District	1.30000	45.41%	35.52%
State of Nevada	0.17000	5.84%	4.64%
Carson Water Subcomservancy	0.03000	1.05%	0.82%
Total County Rate	2.36290	100.00%	78.22%
City of Fallon			
Operating Rate	0.79710		21.78%
Total Rate for City Residents	3.16000		100.00%

Tax Rate Data

- FY 2023-24 County Tax Rate 2.863 and City of Fallon 3.66
- Property Taxes on a home assessed at \$100,000: County \$1,002.05 and City \$1,281 (subject to cap restrictions)

This is the final tax rate. It is the same as the tentative tax rate. The only change from prior year is that we put an extra .05 cents into the Ag Extension. This is our tax rate for quite some time and that is the property taxes per \$100,000 that a county resident would pay and a city resident would pay.

Chairman Scharmann said, Jim, can you refresh my memory, what was the additional 5 cents? County Manager Barbee said, with ongoing meetings with Cooperative Extension, they had requested that we go to .02 mil. We were at .01 mil and we negotiated to .15 mil. I reminded them that, at .015 mil, it is one of the higher mil rates in the state and we are getting that at the same time as we have not had a Cooperative Extension Agent in 4-5 years. It has been a little bit hostile in those conversations but they are now proposing that they are going to bring one position that will basically do the Cooperative Extension work and also oversee a couple of other counties but then, add an additional employee that will report to that Cooperative Extension to focus more on both plants and animals within Churchill County. That is in addition to the crop specialist, which is also open and they will be hiring. We are getting at least our one FTE or maybe a little more employment. It still seems like a higher rate than we wanted.

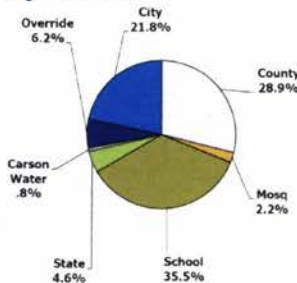
FY 24 Property Tax

Combined \$3.66 City Rate

■ Overall Rate

Allocation

County	28.9%
City of Fallon	21.8%
Override	6.2%
State of NV	4.6%
School District	35.5%
Carson Water	0.8%
Mosquito & Weed Abatement	2.2%



This is the allocation of the 3.66 tax rate. the county gets 28.9% and the city gets 21.8 and then the overrides that are unchanged. Again, this has not changed from prior years, so no changes for the property tax rates.

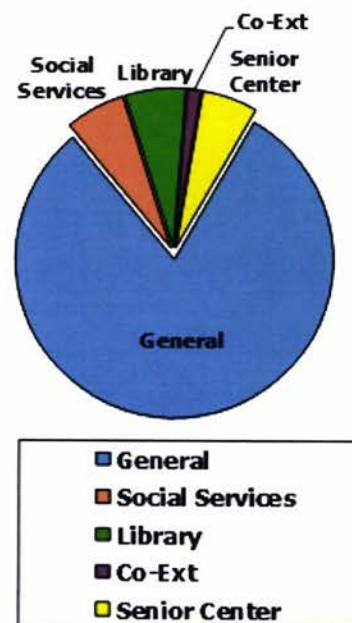
Changes in Tax Rate FY 2024



- Override rates: unchanged
- Mosquito & Weed Abatement unchanged
- School Debt Rate unchanged
- State Rate unchanged

County Tax Rate Allocation \$1.056 Rate

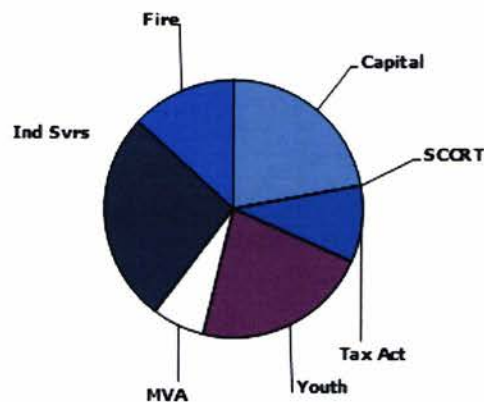
- **General Fund**
85.10 Cents
- Social Services
6.50 Cents
- Senior Center
6.00 Cents
- Library 6.5 Cents
- Cooperative Extension
1.5 Cents



Here is some more breakdown as to where the tax rate is going. The General Fund gets the majority of it. Any questions with that? There were no questions.

Allocation of Overrides 22.69 Cents

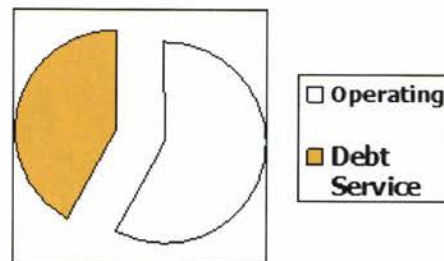
- Capital Improvements 5 cents
- SCCRT Loss Override 0 cents
- Local Gov't Tax Act 2.19 cents
- Youth Services 5.0 cents
- Indigent MVA 1.5 cents
- Indigent Services 6.0 cents
- Fire Equipment 3.0 cents



Then, these are the overrides, where they are going. Once again, no change.

Allocation of School District \$1.30 Tax Rate

- School District Rate
 - 75 cents Operating
 - Set by Statute
 - 55 cents Debt Service
 - Approved by voters
- Debt Rate will be 55 cents as approved by rollover bond issue



This is what the school district gets. Just for an FYI, the operating part, we have to send to the

state now. It does not go directly to the school and then the state allocates it out throughout the state. Chairman Schermann said do they take anything from that? Comptroller Wideman said I don't know what their formula is for allocation because, if you look like at the financial statements that you get from the school, it is lumped together, so I do not know their formula for allocating those funds.

FYE 6-30-2022 Top 10 Property Taxpayers

CHURCHILL COUNTY, NEVADA					
Principal Property Tax Payers					
Current Year and Nine Years Ago					
Taxpayer	Type of Business	Rank	Fiscal Year 2022		
			Taxable Estimated Appraised Value (1)	Approximate Taxable Assessed Value	% of Taxable Assessed Valuation
ENEL Stillwater Geothermal Plant	Geothermal	1	\$ 150,937,274	\$ 52,828,046	6.78%
ORNI 43 LLC (Ormat Tungsten)	Geothermal	2	51,424,420	17,998,547	2.31%
Ormat Technologies Inc	Geothermal	3	45,618,706	15,966,547	2.05%
Terra-Gen Dine Valley LLC (Cashmere)	Geothermal	4	42,094,140	14,732,949	1.89%
CYRQ Energy Inc	Geothermal	5	39,723,626	13,903,269	1.78%
Quail Hollow LLC	Manufacturing	6	21,424,709	7,498,648	0.96%
Alcon Science & Technology (URS Northrop)	Base Contractor	7	16,356,640	5,734,824	0.73%
Safety-Kleen Systems LLC (Bango Oil)	Oil Refining	8	15,907,631	5,567,671	0.71%
US Bank National Association	Equipment Leasing	9	15,253,326	5,338,664	0.68%
Wal Mart Stores	Retail	10	15,102,811	5,285,984	0.68%

(1) Estimated appraised value assumes that assessed value is 35% of appraised value

This is our top 10 property taxpayers from the audit. Most of them are geothermals.

Final Budget FY 2024

- Submission Deadline: June 1, 2023
Amended Final Budget 30 days after close of session(s)
- Nevada Tax Commission Meeting: Last Thursday in June
- Tax Rate Effective: July 1st
- Questions & Answers
- Thank you for your financial oversight and responsibility

The deadline for filing the budget is June 1st. We could do an amended Final Budget because it is a Legislative Session but we don't have to unless something comes up that is going to cost us. That is pretty much the annual budget. So, I just ask that, if you are approve it, my office can submit it to the Department of Taxation.

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

Commissioner Myles Getto made a motion to approve the Tax Rate for the Fiscal Year beginning July 1, 2023 and ending on June 30, 2024 as submitted and, furthermore, approving the Final Budget as submitted and directing the Comptroller to file the Budget with the Department of Taxation as required by statutes. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Old Business:

A- Consideration and possible action re: Approval of the Churchill County Indigent Defense Plan for FY24.

NRS 260.010(7)(b) & NRS 260.070(2) requires that the Board of County Commissioners provide an annual report to the Department of Indigent Defense Services. The report must include any information requested by the department concerning the provision of indigent defense services in the county and must include the plan for the provision of indigent defense services for the next fiscal year. The plan, as proposed here, was developed in cooperation with the Department of Indigent Defense Services and the Churchill County Public Defender. It reflects the requirements as outlined in the Indigent Defense Regulations recently enacted by the Nevada Board of Indigent Defense Services. The plan, as proposed, will meet the annual reporting obligations of Churchill County. The plan may be changed from time to time as desired and approved by the Board of County Commissioners. The Churchill County Plan is due for submission to the Indigent Defense Commission upon approval no later than July 1st.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Jacob Sommer, Public Defender, said this is for acceptance of the Indigent Defense Plan for the next year. It fills two important roles. The first is that it complies with the statutory obligation that we have with the state and the Department of Indigent Defense Services. The second one is it allows us the structure that we need to be able to disseminate the services that are necessary for Indigent Defense. The plan may be changed from time to time as needed. It is not much different than last year. There are a few changes because of the Alternate Public Defender's Office. I don't have anything specific to point out but, if you have questions, I can cover those.

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

Commissioner Justin Heath made a motion to approve the Churchill County Indigent Defense Plan for FY24. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

New Business:

F. A- Consideration and possible action re: Presentation from County Manager Jim Barbee regarding the activities of the County Manager's Office in preparation for the upcoming County Manager's performance evaluation.

In preparation for the upcoming evaluation of the County Manager, Jim Barbee will provide information regarding his activities and achievements. He may also discuss projects that are in-progress and future goals.

The County Manager's performance evaluation is scheduled to be conducted at this same meeting, on May 17, 2023. NRS 241.031 requires that any discussion regarding the professional competence of a chief executive or administrative officer be done in an open session. Therefore, the performance evaluation of County Manager Jim Barbee must be conducted in an open session. The information provided at this appointment has also been provided ahead of time to the Commissioners to aid them in preparing their evaluation forms. Human Resources Director Geof Stark sent an email to the County Commissioners asking them to fill out an evaluation form outlining the County Manager's performance. This information will be synthesized into a summary report to be distributed and, if desired, discussed at today's meeting.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

County Manager Barbee said what I have done is put together a list of things that we have accomplished this year and, obviously, by we I mean multiple departments within the county and the county staff in terms of engaging on all of these activities and events that we have had to participate in or stepped up to participate in here. No leadership in the county is any stronger than the staff that we have and we have tremendous staff and we are really blessed that way and I acknowledged that from the very beginning. Some of these projects you are obviously familiar with and it will be a review but I will try to go pretty quick and give you just a feel of some of the things we have worked on. This year, under the category of housing, which was one of the main targets that was given to me when I was hired in 2018, we have had two planned unit developments that have passed through the process. Both of those combined are well over 1,000 dwellings, so they are very significant. I believe one of those projects will be moving sooner rather than later and sooner than the other projects, so we are hopeful that within the next 6 months we will start seeing some groundwork out on Coleman and that seems to be moving forward in a positive manner.

Regarding economic development, we have two business developments that have yet to announce publicly but they will bring fairly significant jobs into the community and will kick off economic development in a portion of the county that is ripe and ready for expansion, so that is very positive.

We got the Rafter 3C fully operational during this year. We had predicted a \$4.5M economic development impact on the facility with the activities that we would be holding. To date, not

quite a full year, we have right over \$8M in economic development and we continue to reinforce that the calculators that we use in that process are very conservative and so we really believe that it is making a greater economic impact than that but we are very proud of that too. We think that is a good showing. Its daily rentals are over 440 daily rentals in terms of the facilities and activities. I can tell you that, as someone who has worked and been involved in the Reno Livestock Center and that complex, that is an impressive number. We are very proud of that. We were able to accomplish the finalization of the Defense Reauthorization Act and, obviously, that brought forward 14,000 acres in direct conveyance to the county, plus a checkerboard process that we will be developing over the next couple of years. Of course, none of these have been realized yet. It will be time and effort to get there. Additionally, we had 692 acres of RMPP that will be utilized from everything from gravel to future substations and the possibility of future substations for both fire and police. We are very excited to announce, currently, as I speak, that we have an event called the Rafter 3C Summer Gathering and that will be almost 15 days of western type heritage activities starting in the middle of June. We are looking at, in some of these events during those 15 days, we will have over 400-500 contestant participation, different contestant participation each and every one of those days, so that is going to bring a huge economic impact and those folks will be coming from across the nation, not just regionally but nationally. That is a real benefit for the community and for the businesses to an effect that we are letting businesses know that they need to be prepared during that timeframe in the middle of June to have probably more stuff in stock because there is going to be a lot of people here. Additionally, and I put this in economic development but it is a crossover in terms of Social Services, as well, we are very close to opening the second Cottage School. Again, I put that under economic development because that is such a huge impact on our community in terms of two household parents that are working or a single household working to have a resource like that in our community that is of that style. If you have not been by there, swing by because they put new playground structures out front as part of that, as well.

Regarding emergency response, we have had plenty of that this year. On March 6th, we opened up the old weir that we didn't think we would be opening up again in the near future and started working towards construction of the new weir. As I stated earlier, we were hoping for a May 6th opening on that weir. It looks like it is going to be the 20th and it is quite the structure and I look forward to getting all of you out there to have a firsthand look.

We continue to move forward with the Health District. We have interviews that we did this last week and they have been very positive and we are definitely heading in the right direction there.

We have a ton of infrastructure projects that are underway or in process, including the new CAPS building out by the sewer plant.

We have the rehab of the Drumm building that we are just waiting for the environmental to be approved on and I want to say it was \$1.9M that we will be putting into that.

The plan and design for the District Courthouse, which is a big hat tip to all of these that I am talking about to Chris, that has been, basically, completed and they brought the proposed fund amount, which would be \$14.9M. I will say that was in the very first meeting with the

Commission, which Bus was the only Commissioner here, at that point, after I was hired that was one of the first directives I had was to get the District Court building figured out. We are now on the cusp of being able to start construction. With that, we have the expansions by moving the District Attorney's Office. These have not been brought to you, yet, but these are basically formulated to bring forward for approval for the District Attorney's Office to move into the old CC Communications building and for an expansion in the Sheriff's Office to deal with their secured safe area in their initial building that was built in 2017 really forming a Justice Court or Justice complex as it were within that whole area.

We completed the redundant well, which is taking quite a while longer than we thought it would but it has been completed and is good to go.

We have developed preliminary engineering on the new water plant that could be placed at the golf course which, basically, tees us up for future earmarks, which we have applied or put forward with our congressionals for that water plant. We have not, obviously, heard back on those, currently. We are still very excited about, as part of the Lands Bill, the Defense Reauthorization Act, the Southern Nevada Public Lands Management Act (SNPLMA) and the potential funding there. We have three projects we have presented to you. We have been working on those for the last 2 weeks to refine them and, after this meeting, Chris, Jorge and myself fly to Las Vegas to go the statewide executive meeting for SNPLMA and I guess all the others. This will be our first meeting with all the other entities that qualify that will be at that, so we will get the opportunity to meet those folks. We are going to tour a couple projects in Henderson and get kind of a feel for those grants and what they look like. We actually had the SNPLMA leadership come down and meet with us a couple of weeks ago and they were very excited for the potential that we had and, specifically, with the projects that we are proposing, so we feel very strong in those. That first grant that we are going to submit will probably be between \$40M to \$50M and then we will have other grants behind that, so we will see what we will get.

And then lastly, because that is kind of an identifying of funding that we have been searching to bring into the county, is the earmarks that we have had approved this past year that we are working on getting allocated to the county through the federal government of \$3M for the affluent water storage tank and \$4M for the Moody Lane connector that would go from Coleman up to Moody Lane across Rice and then, obviously, the \$20M obligated that we got in the Defense Reauthorization Act. I appreciate it.

Chairman Scharmann said when you came on, what was it 2018, and you decided at that point to go after Kye Anderson in Washington D.C., so that we have a real presence there. He was a great one to hire because he had worked for Senator Reid and he really knows the system, so that was a great move. Then, the other thing is, bringing on Bruce Breslow to help us with economic development. I think that that was a really great move to bring him on, so I just wanted to mention those 2 items.

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

Commissioner Justin Heath made a motion to accept the County Manager's report. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Performance Evaluation of County Manager Jim R. Barbee and to approve a one-step increase (to Step 10 of Grade 92), effective May 21, 2023.

Title 3 of the Churchill County Code indicates that employees will be evaluated at least once per year by their supervisors. The County Manager, who serves at the pleasure of the Board of County Commissioners, is evaluated by the Board of County Commissioners. NRS 241.031 requires that any discussion regarding the professional competence of a chief executive or administrative officer be done in an open session. Therefore, the performance evaluation of County Manager Jim Barbee must be conducted in an open session.

Human Resources Director Geof Stark sent an email to the County Commissioners asking them to fill out an evaluation form outlining the County Manager's performance. This information will be synthesized into a summary report to be distributed and, if desired, discussed at the meeting. Should the Commissioners agree that Mr. Barbee's performance is satisfactory or above, he would be eligible to receive a merit increase.

FISCAL IMPACT: None.

EXPLANATION OF IMPACT: Because the merit increase was budgeted for the current Fiscal Year, a merit increase will not impact the Budget that has been approved.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Human Resources Director Stark said, as we have done in past practice, we sent out the evaluation form to each of the Commissioners asking you to fill those out and return them to me and then I have a summary report on those. In preparation for this, as the County Manager has shared his accomplishments, as well as his progress that is being made towards projects and goals. If the board approves this evaluation, then he would receive a merit increase to Step 10 of Grade 92. I also make note that I know Mr. Barbee has pretty much an open door policy and folks can come by at any time to let him know what you think of his performance and how he is doing well and if you have concerns. We want to make sure people take those opportunities to talk to Jim, as well.

Human Resources Director Stark made this presentation as outlined above and for the following;

Job Knowledge	5.00
Interactions/Communications	4.67
Job Productivity	5.00
Planning	5.00
Public Relations	4.00
Work Environment and Safety	5.00
Overall Performance	5.00

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

Commissioner Myles Getto made a motion to approve the performance evaluation for the County Manager and to approve a one-step increase (to Step 10 of Grade 92), effective May 21, 2023. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Approval of an assessment in the amount of \$69,284.48, split into two equal payments in Fiscal Year 2023 and 2024, to the Nevada Association of Counties (NACO) for an assessment to fund the National Public Lands Center housed within the National Association of Counties (NACo) and the Western Interstate Region (WIR).

In early 2023, the Nevada Association of Counties (NACO) Board of Directors voted to support a proposal to create the National Center for Public Lands to be housed at the National Association of Counties (NACo) and the Western Interstate Region (WIR). Upon taking this action, Nevada's counties were provided with an assessment, which is a suggested contribution based upon 1 percent (1%) of our Local Assistance and Tribal Consistency fund (LATCF) award. For Churchill County, that total is \$69,284.48. Funds paid to NACO are treated as pass-thru funds which will be payable to the National Center for Public Lands (The Center) and may be split into two payments.

Provided is a letter from NACO Executive Director, Vinson Guthreau, providing background and details. The Center will be governed by the WIR Executive Committee, the NACo Public Lands Policy Steering Committee Chair and Vice Chairs, the state association executive from the WIR Immediate Past President's home state, and the NACo Executive Director. As outlined, it is suggested that, in order for counties to fully optimize opportunities and investments in programs that Congress has invested in to support public lands counties, such as Payments In-Lieu of Taxes (PILT), Secure Rural Schools (SRS), and the American Rescue Plans Local Area and Tribal Consistency Fund (LATCF), that we must share "on-the-ground" experiences and help educate government officials and the public about critical county contribution to sustainable resource management and best practices for collaborative partnerships. The provided letter also outlines more in-depth information on the written county profiles that The Center will develop.

FISCAL IMPACT: FY23: \$34,642.24; FY24: \$34,642.24.

EXPLANATION OF IMPACT: This was an unanticipated expense for FY23 and was unknown during development of the FY24 budget. The Membership line item of the General Government budget has \$16,634 remaining as of the date of this report. Therefore, just over \$18,000 would be needed to augment that line item in order to cover this expense for FY23.

FUNDING SOURCE: General Government / Memberships: 100-190-55400.

ACTION REQUESTED: Accept

County Manager Barbee made this presentation as outlined above.

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

Commissioner Justin Heath made a motion to approve a one-time assessment to the Nevada Association of Counties in the amount of \$69,284.48 split into two equal payments

for Fiscal Year 2023 and 2024 as Churchill County's contribution to fund a National Public Lands Center housed within the National Association of Counties and Western Interstate Region. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Ratification of Protest of Water for Applications 92476, 92477, 92478, 92479, 92480, 92481, 92482, 92483 and 92484 made by NV-Reno Industrial, LLC and WS-Buckland, LLC for the waters of Carson River situated in Lyon County, State of Nevada

WS Buckland III, LLC, has filed nine Applications to strip Carson River claims off of the Buckland Ditch immediately upstream of Lahontan and transfer those claims to the Northern Nevada Industrial Center. These water rights would be stripped from 954 acres with a presumed consumptive use rate of 2.5 af/acre totaling 2,385 acre feet annually diverted.

Chris Mahannah identified this Application and has drafted a protest to these Applications on Churchill County's behalf. As the ready-for-action date of the Applications was May 12, 2023, they were signed last week and today's hearing is a ratification of those protests. The protest is based on three primary grounds:

1. Although the Alpine Decree allows transfers at the CU rate of 2.5 af/ac, recent studies by the USGS on the Carson, DRI work on the Klamath, research in Colorado have shown significant residual ET from fallowed lands, especially if there are shallow water tables and in close proximity & hydraulic connection to the river, both of which occur in these applications. In some of these studies, the residual ET is on the order of 1 – 1.5 af/ac even long after the water right are stripped and no longer irrigated. So, if 2.5 is removed and consumed and there is still 1 -1.5 af/ac of ET still occurring, this is an expansion of the historical ET and depletion from the river. This very issue is also part of the USGS Capture Model work on the Carson recently funded by USFWS, BOR, Churchill and TCID.
2. Municipal Diversion under the 40:40:20 rule allowed in the Decree to divert the full 2.5 af/ac in drought years can result in additional depletions from the river when compared to a 40:40:20 diversion under an Ag scenario due to ET less than 2.5 during the early months of an irrigation season (April – mid June). Again, this is something to be looked at closer in the Capture model study.
3. All of their UG water rights supporting the project have a priority of 7/30/73 and if the State Engineer were to ever regulate Basin 102 by priority up to the perennial yield 1600 afa, that cutoff date was 8/25/72 so all of their UG rights would be unusable if that were ever to happen. So this calls into question the overall sustainability of a reliable water supply for a large industrial development, especially if their surface water rights are reduced per #1 above or during drought years.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

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

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

Commissioner Myles Getto made a motion to ratify the Protest of Water for Applications 92476, 92477, 92478, 92479, 92480, 92481, 92482, 92483 and 92484 made by NV-Reno Industrial, LLC and WS-Buckland, LLC for the waters of Carson River situated in Lyon County, State of Nevada. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Adoption of Resolution 8-2023 assigning an additional portion of the ad valorem tax levy for Cooperative Extension for Fiscal Year 2023-2024, in the sum of .50 cents, making a total of \$1.50.

The proposed Resolution sets forth the tax rate for support of the Cooperative Extension Program. The Budget and corresponding tax rate was prepared assuming the same tax rate from the current year, which is 1.5 cents. This Resolution is required by Nevada Revised Statutes.

FISCAL IMPACT: See Budget.

EXPLANATION OF IMPACT: The tax rate levy will support Cooperative Extension in Churchill County, Nevada.

FUNDING SOURCE: See Budget.

ACTION REQUESTED:

This item was withdrawn prior to the meeting.

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 April 2023.

Provided for the board's review is the report showing 32 permits issued in the month of April 2023. Included in the 32 permits are 5 single-family-dwelling permits, 2 commercial permits, 0 industrial permits, 2 manufactured home permits, and 6 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's Revenue Report for April 2023 totaling \$53,767.95.

The Building Department provides its Revenue Report for April 2023 for the board's consideration and acceptance. A total of \$53,767.95 was received for the month.

FISCAL IMPACT: \$53,767.95.

EXPLANATION OF IMPACT: Fees are collected for the issuance of building permits, plan reviews, inspections, etc.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

D- Consideration and possible action re: Public Works, Planning & Zoning Department's Revenue Report for April 2023 showing a total of \$361,610.32 in revenue for the month.

The Public Works, Planning & Zoning Department submits its Revenue Report for the month of April 2023 showing a total of \$361,610.32 in revenue. This report is provided for the Commissioners' review and acceptance.

FISCAL IMPACT: \$361,610.32 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 April 2023 totaling \$14,901.65 in revenue for the month.

Churchill County Recorder, Tasha Hessey, provides her Recorder's Monthly Apportionment Report for April 2023 totaling \$14,901.65 in revenue for the month.

FISCAL IMPACT: \$14,901.65 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 April 2023 showing a total of \$12,354 in revenue for the month.

Sheriff Richard Hickox provides his Civil Report for the month of April 2023 showing a total of \$12,354 collected as revenue for the month. This report is provided for the board's consideration and acceptance.

FISCAL IMPACT: \$12,354.

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:

There were no future Agenda items suggested.

Commissioner and Management Staff Reports:

Chair Scharmann reported on the following topics:

- Jim and I met with the Executive Director of WNDD and we had a nice conversation.
- I attended the flood mitigation meeting.
- I had a Carson Water Subconservancy District meeting.

Commissioner Heath reported on the following topics:

- I attended two Central Nevada Health District meetings.
- The Lahontan Conservation District meeting was rescheduled.

Commissioner Getto reported on the following topics:

- I attended a Fire Board meeting last week.

County Manager Barbee had nothing to report.

Comptroller Wideman reported on the following topics:

- We are going to start doing our augmentations for the current fiscal year.

Civil Deputy DA Sanford reported on the following topics:

- We are coming up on some important deadlines in the Legislature. They have not taken a lot of action; they have just held a lot of hearings. I expect to see a lot of movement in the next week.

Clerk/Treasurer Rothery reported on the following topics:

- There are a lot of conversions going on in the office right now.
- Voter registration is going to take a long time because we are working with the state on that.
- I am working on my second module with GovPilot, which is a good thing.
- We have all the equipment for the Commission Chambers upgrade, except for the new microphones.

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. Scott Nichols, with Ormat, thanked the board for taking his phone calls last week. He said I was in a bit of a response mode with regard to some road maintenance conditions. I wanted to report back to you that I have circled back with our team and those faux pas and failures to communicate should not happen. They won't happen in the future if I have anything to do with it. Mr. Van Patton is our plant manager out at the plant on the Alpine Road Project. That breakdown in communications was not only between our projects group and the county but also between our own operations group and I will work to rectify that. We will be moving forward post haste.

Adjournment:

The meeting was adjourned at 2:55 PM.

Approved:


Harry "Bus" Scharmann, Chairman

Approved:


Justin Heath, Vice-Chairman

Approved:


Myles Getto, Commissioner

ATTEST:

Linda Rothery, Clerk/Treasurer


Renae Paholke, Deputy Clerk