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CHURCHILL COUNTY
Churchill County - NV
Joan Sims - Recorder
Page 1 of 4 Fee:
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442099

APN#________________

Recording Requested By:
Name Churchill County Commissioners
Address 155 North Taylor St., Ste. 110
City/State/Zip Fallon, NV 89406

Mail Tax Statement to:
Name ____________________
Address ____________________
City/State/Zip: ____________________

Please complete Affirmation Statement below IF there is a Social Security number on the document. (Per NRS 239B.030)

☐ I the undersigned hereby affirm that this document submitted for recording contains the social security number of a person or persons as required by law:____________________
(State specific law)

Pamela D Moore
Signature Pamela D. Moore   Administrative Aide
Title

BILL 2014-D, ORDINANCE 113

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Only use the following section if one item applies to your document

This document is being **re-recorded** to

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OR

This document is being recorded to **amend** document #____________to correct

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If **legal description** is a metes & bounds description you are **required to furnish** the following information:

Legal Description obtained from ____________(Document Title), Book _____
Page_______Document #__________recorded __________(date) in the Churchill County Recorders office.

OR

If Surveyor, please provide name and address.

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This page added to provide additional information required by NRS 111.312 Sections 1-4 & NRS 239B.030 Section 4.

(Additional recording fee applies)

Bill 2014-D
Ordinance 113

TITLE: AN ORDINANCE AMENDING CHURCHILL COUNTY CODE TO PROHIBIT MEDICAL MARIJUANA ESTABLISHMENTS IN CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATED THERETO.

SUMMARY: IN 2013 THE NEVADA LEGISLATURE AMENDED CHAPTER 453A OF THE NRS SETTING FORTH THE FRAMEWORK FOR THE INTRODUCTION OF MEDICAL MARIJUANA ESTABLISHMENTS IN NEVADA IN ORDER TO PROVIDE A SUPPLY OF MEDICAL MARIJUANA TO PRESCRIBED USERS IN THE STATE. NRS 453A AUTHORIZES LOCAL GOVERNMENTS TO ENACT ZONING RESTRICTIONS RELATED TO MEDICAL MARIJUANA ESTABLISHMENTS. THIS ORDINANCE AMENDS THE ZONING PROVISIONS OF THE CHURCHILL COUNTY CODE PROHIBITING MEDICAL MARIJUANA ESTABLISHMENTS.

WHEREAS, Churchill County, Nevada is a political subdivision of the State of Nevada; and

WHEREAS, the Nevada Legislature amended Chapter 453A of the Nevada Revised Statutes authorizing the introduction of medical marijuana establishments in Nevada which includes dispensaries, cultivation facilities, testing laboratories and marijuana product facilities; and

WHEREAS, Churchill County may make and enforce within its boundaries all local, police, sanitary, zoning and other ordinances and regulations not in conflict with the general laws; and

WHEREAS, Churchill County has a long tradition of applying strict land use standards to protect the unique land use zones within Churchill County and, in some cases, Churchill County has banned certain types of land uses; and

WHEREAS, NRS 453A.322 as amended authorizes local cities and counties to enact zoning restrictions related to medical marijuana establishments and any applicant for a medical marijuana establishment certificate from the State must show proof that they are in compliance with local zoning laws and regulations; and

WHEREAS, preemption of the County's authority will not be implied when the legislative scheme either permits or recognizes local regulation; and

WHEREAS, Churchill County recognizes a strong local interest in prohibiting medical marijuana establishments related to the health and safety of the community; and

WHEREAS, cities and counties in other states that have permitted the establishment of marijuana dispensaries and related facilities have witnessed an increase in crime, such as burglaries, robberies and sales of illegal drugs in the areas immediately surrounding such facilities, and

WHEREAS, regulations are further needed to protect the public health, safety and welfare of residents, children and businesses, from harmful secondary effects of certain types of land use and such regulations are necessary and proper and consistent with the guidelines set forth in NRS 278.250; and

WHEREAS, Churchill County recognizes the current federal prohibition against use, cultivation of, distribution of, and possession of marijuana under the Controlled Substance Act and does not seek to permit activities which are in violation of federal law;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS hereby ordain that:

CHURCHILLL COUNTY CODE, , subsections 16.08.140E, 16.08.150E, 16.08.160E, 16.08.170E, 16.08.180E, 16.08.190E, 16.08.200E, 16.08.210E, 16.08.220E are amended by adding the following language in alphabetical order:

Medical Marijuana Establishments.

Section 16.08.250 Use Table For Residential Zoning Districts is hereby amended by adding the following entry in alphabetical order:

Medical Marijuana Establishments						

Section 16.08.260 Use Table For Nonresidential Zoning Districts is hereby amended by adding the following entry in alphabetical order:

Medical Marijuana Establishments						

Section 16.24.010 Definitions Generally is hereby amended by adding the following definition:

MEDICAL MARIJUANA ESTABLISHMENT: An establishment as defined in NRS 453A.116 and as may be amended.

This ordinance shall be effective on the 1st day of September, 2014.

PROPOSED AND ADOPTED this 7th day of August, 2014.

THOSE VOTING AYE: Pete Olsen

Harry Scharmann

Carl Erquiaga

THOSE VOTING NAY: N/A

N/A

N/A

APPROVED:

Carl E Erquiaga

CARL ERQUIAGA
Chair, Board of County
Commissioners

ATTEST:

Pamela D Moore, Deputy

Clerk of the Board

Churchill County
Agenda Report

8.20

Agenda Item: **Public Hearing**
Date Submitted: July 28, 2014 **Agenda Date Requested:** August 7, 2014

To: Board of Churchill County Commissioners
From: Benjamin D. Shawcroft, Deputy District Attorney
Subject Title: Public Hearing on Bill 2014-D, Ordinance 113, an ordinance prohibiting medical marijuana establishments in Churchill County.

Type of Action Requested: (check one)

(____) Resolution (_X_) Ordinance
(____) Formal Action/Motion (____) Other – Informational Only

Does this action require a Business Impact Statement? Yes

Recommended Board Action: Motion to adopt Bill 2014-D, Ordinance 113, An Ordinance Amending Churchill County Code To Prohibit Medical Marijuana Establishments In Churchill County And Other Matters Properly Related Thereto, with an effective date of September 1st, 2014.

Discussion and History of Bill:

On July 16, 2014, the Board first reviewed Bill 2014-D which lists medical marijuana establishments as a prohibited land use. This ordinance was published as required by law. No further amendments or alterations were made since the first reading.

On April 23, 2014, the Board directed staff to prepare an ordinance prohibiting medical marijuana establishments in Churchill County. The proposed ordinance amends Title 16, Consolidated Development Code, by listing medical marijuana establishments as a prohibited land use in all Land Use Districts in the County. This ordinance will effectively prohibit any type of medical marijuana establishment which includes dispensaries, cultivation facilities, testing laboratories, and facilities that produce marijuana infused products such as edible products and oils.

This ordinance was reviewed by the District Attorney's Office for legal compliance with applicable state and federal law. The conclusion reached is that this ordinance is a legal use of the Board's power to regulate land use. The state statutes allow local jurisdictions to regulate and even prohibit medical marijuana establishments. Moreover, the current federal prohibition of these types of establishments discourages any recommendation to approve of this type of activity. A more thorough legal analysis of these issues was presented at the April 23rd meeting. A copy of that agenda report is attached.

Fiscal Impact: None.

Explanation of Impact:

Funding Source: n/a

The submission of this agenda report by county officials is not intended, necessarily, to reflect agreement as to a particular course of action to be taken by the board; rather, the submission hereof is intended, merely, to signify completion of all appropriate review processes in readiness of the matter for consideration and action by the board.

Prepared By: Benjamin D. Shawcroft, Deputy DA Date: 7/28/14
Name

Reviewed By: Eleanor Lockwood Date: 7/28/14
Eleanor Lockwood, Churchill County Manager

B. D. Shawcroft Date: 7/28/14
Benjamin D. Shawcroft, Churchill County Civil Deputy Attorney

Alan Kalt Date: 7/29/14
Alan Kalt, Churchill County Comptroller

Board Action Taken:
Motion: Approved

1) Pete Olsen
2) Harry Scharmann

Aye/Nay
X
X
X

Pamela D. Moore

(Vote Recorded By)

The submission of this agenda report by county officials is not intended, necessarily, to reflect agreement as to a particular course of action to be taken by the board; rather, the submission hereof is intended, merely, to signify completion of all appropriate review processes in readiness of the matter for consideration and action by the board.

Churchill County
Agenda Report

Agenda Item: # NB - A

Date Submitted: 04/10/14 Agenda Date Requested: 04/23/14

To: Board of Churchill County Commissioners
From: Benjamin D. Shawcroft, Civil Deputy District Attorney
Subject Title: **Consideration and possible action re:** Discussion and action on whether to direct the formulation of an ordinance banning medical marijuana establishments and other matters related thereto.

Type of Action Requested: (check one)
(____) Resolution (____) Ordinance
(__X__) Formal Action/Motion (____) Other – Informational Only

Does this action require a Business Impact Statement? No.

Recommended Board Action: Motion to direct staff to prepare and submit to the Board of County Commissioners an ordinance banning medical marijuana establishments from Churchill County.

Discussion:
In the general election of 2000 the voters of Nevada approved a constitutional amendment which directed the legislature to provide by law for the use and supply of marijuana for medicinal purposes. In the 2013 legislative session, Senate Bill 374 (incorporated into NRS 453A) was passed setting the framework within which dispensaries and cultivation facilities could operate within the state.

Churchill County is allowed to have one dispensary per NRS 453A.324(1)(d). The law does not require counties or municipalities to have medical marijuana establishments (MMEs). Local governments are permitted to opt out of having these establishments in their respective jurisdictions by way of their zoning and licensing authority. Since the new law was passed, several counties and cities have chosen to opt out. These include Lyon County, Storey County, Boulder City, Pershing County, and Elko County.

Several jurisdictions are in the process of drafting new ordinances which will allow for and regulate MMEs in their areas. Those in Northern Nevada include Washoe County, Clark County, City of Reno, and the City of Sparks. Douglas County and Carson City currently have a temporary moratorium in place prohibiting the licensure of these establishments until such time as they are able to do further work on this issue. Clark County already adopted new regulations and is currently accepting applications for licenses. The Churchill County District Attorney's Office has indicated that it will not provide legal assistance in the formulation of an ordinance permitting MMEs in Churchill County because doing so would violate the Nevada Rules of Professional Conduct for lawyers.

It is recommended that Churchill County ban all MMEs. These include (1) dispensaries, (2) cultivation facilities, (3) testing laboratories, and (4) facilities that produce marijuana infused products such as edible products and oils.

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There a many reasons which support a decision to ban MMEs completely. These reasons include, but are not limited to,

(1) **The cultivation, possession, or use of marijuana is still prohibited by federal law**. While the federal government has not been aggressively prosecuting users of marijuana, this policy may change at any time. Moreover, dispensaries are still a target of federal prosecution and are subject to police raids, seizures and arrests. Churchill County should not be in the position of promoting or licensing an industry that is prohibited by federal law.

(2) **There may be an increase in marijuana related crimes**. The issue of whether the opening of medical marijuana dispensaries causes in increase in crime is a hot topic between those in support of and those against the legalization of these facilities. There is evidence supporting both sides of this debate. However, in 2013 a story was done by the media in Colorado where the conclusion reached was that law enforcement was seeing an increase in marijuana related crimes. These crimes include robberies of dispensaries, burglaries of cultivation facilities, and burglaries of homes where the perpetrator was going after the marijuana. A summary of that story is included in the following supporting materials.

(3) **Churchill County does not have the resources to monitor MMEs in order to reduce the potential risks associated with them**. The state regulations for MMEs are quite extensive. The areas addressed by these regulations include security, employees, restriction of persons allowed to enter dispensaries, marijuana card verification procedures, product quality controls, transportation of the product controls, building requirements, and so on. While the state is tasked with monitoring the compliance with all of these regulations there is a legitimate concern that the state will not provide adequate monitoring. Thus, the county would need to provide resources and manpower to regulate and monitor these establishments at a level that will ensure the protection of public health and safety. The funds for this type of support would not be off-set by the regular business license fees that would be received from these businesses.

Therefore, due to the concern for public health and safety that is created by the introduction of these establishments, it is recommended that the board direct staff to prepare and submit an ordinance prohibiting medical marijuana establishments in Churchill County. The Churchill County Sheriff has provided a letter in support of this action which is included in the following supporting materials.

Fiscal Impact:
It is anticipated that revenue from medical marijuana establishments would be minimal when compared to the cost of regulating them. The county is only allowed to have one dispensary which would give the county revenue from only one business license and any associated property tax for the building. The county could also receive some revenue from property taxes for cultivation facilities which must be in enclosed structures. Still, it is unlikely that the county would see these types of facilities because it does not make business sense to build a cultivation facility so far from where the majority of the dispensaries will be located – Washoe County and Clark County.

Explanation of Impact: N/A

Funding Source: N/A

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Prepared By: Benjamin D. Shawcroft Date: 4/10/14

Reviewed By: Eleanor Lockwood Date: 4-14-2014
Eleanor Lockwood, Churchill County Manager

Date: 4/14/14
Churchill County Deputy District Attorney

Date: 4/14/14
Alan Kalt, Churchill County Comptroller

Board Action Taken:
Motion: ______________________ 1) ______________ Aye/Nay
2) ______________ ________
____
____

____
(Vote Recorded By)

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Print - Drug problems increase after pot legalization, police say | 9news.com

9news.com

Drug problems increase after pot legalization, police say

10:43 PM, Feb 5, 2013

DENVER - Some elected officials in nearby states blame Colorado for an increase in marijuana trafficking and want Colorado to foot the bill for prosecuting marijuana crimes in their states.

• Read Jace Larson's tweets about how he covered this story.

"I think it's a great idea. We're not the ones causing the problem but we are enforcing the problem," Cheyenne County, Nebraska Sheriff John Jenson told 9Wants to Know. "They would like to make legislation to where we can bill these expenses back to Colorado."

Law enforcement in states such as Kansas, Wyoming and Nebraska says marijuana drug trafficking from Colorado grew when medical marijuana dispensaries opened a few years ago.

Law enforcement predicts the numbers of marijuana busts outside of Colorado will grow now that Amendment 64 legalized recreational marijuana. Recreational marijuana is only legal in the states of Colorado and Washington.

"Marijuana is coming in from Colorado a lot more than what people want to admit," Jenson said. "We're positive we're going to see another increase, but the law is too new for us to get an idea of how bad it's going to be for us."

"Colorado has simply become the source state in the Rocky Mountain region," Lt. Ernie Martinez of the Colorado Drug Investigator's Association said.

"It's very easy for people to go to Colorado and buy it. That's what they are doing now," Scotts Bluff County Sheriff Mark Overman said. "Marijuana has always been a problem. The difference today is that the marijuana is better quality and it is much more prevalent coming out of Colorado."

DENVER POLICE SEE PROBLEM TOO

Denver Police say they are seeing drug dealers willing to sell large amounts of pot to people who want to traffic it out of Colorado.

"It's like the wild, wild West," Denver Police marijuana task force Sgt. Andrew Howard told 9NEWS.

9Wants to Know rode along, exclusively, with Howard's team for several days as they set up buys from illegal Colorado marijuana dealers.

On one deal, an undercover officer asked a dealer if he has a limit to the amount of pot he could

210

provide. The undercover officer told the dealer she wanted to take marijuana to Wyoming.

"Oh I don't have a limit," Kevin Lei responded.

After buying marijuana from him several times police arrested Lei Jan. 17 as he sold several pounds of pot to an undercover officer.

"You do what you have to do," Lei told 9Wants to Know's Jace Larson after his arrest.

Police raided the suspected home of Lei's supplier and arrested Andrew Holland at his home near West 32nd Avenue and Teller Street.

Holland declined to talk to 9NEWS.

Marijuana crimes in Denver have increased since 2009, according to data from the Denver Police Department.

There were 38 marijuana related crimes in 2009, 64 in 2010, 100 in 2011 and 132 in 2012.

PRO-MARIJUANA GROUPS DISAGREE

"Law enforcement has been overly worried about marijuana for 80 years," Sensible Colorado Executive Director Brian Vicente said. "Law enforcement can point to a couple dozen incidents of people shipping marijuana outside of the state in the 12 years we've had medical marijuana."

When the regulatory structure of Amendment 64 is put into place, Vicente says marijuana trafficking will be greatly reduced.

"We are moving from a black market to a regulated market. There are going to be some criminal actors and that's where law enforcement can focus their resources," he said. "The vast majority of people who use marijuana in this state are acting in full compliance of the law."

Have a comment or tip for investigative reporter Jace Larson? Call him at 303-871-1432 or e-mail him
jace.larson@9news.com

Blog and Bio

OFFICE OF THE SHERIFF
CHURCHILL COUNTY, NV

Ben Trotter
Sheriff

April 15, 2014

Dear Board of County Commissioners,

I am writing to express opposition to the allow[illegible] of a medical marijuana dispensary in Churchill County. My concerns are simple: enforcemen[illegible]es, available alternatives and a slippery slope.

While I have not completed research of the re[illegible]ons put forth by our legislature regarding this issue, I have significant concerns about what c[illegible]w be enforced and by whom when it comes to possession and/or use of medical marijuana. [illegible] prescription medications, even with possession of a prescription, how can law enforcement prove [illegible] the exact marijuana possessed by the user is that which was provided by the dispensary to fill the [illegible]scription? Or did the user simply put illegal marijuana in the prescription [illegible]? It seems [illegible]re muddying the water on the enforcement side of illegal drug laws.

Second, there are countless medications availa[illegible] and new ones coming out regularly for dealing with pain – including the degenerative type of [illegible]. There are even pills with THC – the "medicinal" property of marijuana – and yet [illegible]s of prescription pot have to smoke it? Is the desired effect relief of pain or is the desired eff[illegible] getting stoned? I certainly do not speak from a medical expert perspective, but I strongly susp[illegible] that many of the people who will be getting prescriptions for marijuana have the second des[illegible] effect in mind. This suspicion is based on nineteen years of dealing professionally with p[illegible] addicted to drugs, including marijuana.

Finally, I have grave concerns that Nevada's pa[illegible] this legislation puts us on a slippery slope from which we will have great difficulty reco[illegible]. Yes there is the "gateway drug" aspect that should concern us all. However, as a law enforcement administrator, I have been considering how this will effect hiring of peace officers. Suppo[illegible] candidate tries out for our Sheriff's Office and passes everything in the testing process. Then [illegible] candidate discloses in the medical exam that he/she has a prescription to smoke pot every [illegible] hours for whatever ailment. Suppose then that I refuse to hire this person because of this prescription. Will I subject the County to suit for violation of the Americans with Disabilities Act? It is [illegible] difficult to tell how a lawsuit will turn out and, if it goes against the County, we [illegible] have set a precedent for hiring peace officers who carry a gun, make arrests, deal with drug situations, drive a[illegible] and are allowed, by prescription, to do all of this stoned on legally prescribed marijuana. Furth[illegible]se peace officers may be under the influence, a felony under current law.

In a nutshell, these are my most pressing conce[illegible] when it comes to this new mandate.

Sincerely,

Benjamin D. Trotter

Benjamin D. Trotter, Sheriff

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 No. Taylor Street, Fallon, NV
Fallon, Nevada
July 16, 2014

CALL TO ORDER

The regular meeting of the Churchill County Board of Commissioners was called to order at 1:15 p.m. on the above date by Chairman Erquiaga.

PRESENT: Carl Erquiaga, Chairman
Pete Olsen, Vice-Chairman
Harry Scharmann, Commissioner
Benjamin D. Shawcroft, Civil Deputy District Attorney
Eleanor Lockwood, County Manager
Alan Kalt, Comptroller
Pamela D. Moore, Deputy Clerk of the Board

ABSENT: Kelly G. Helton, Clerk of the Board

PLEDGE OF ALLEGIANCE:

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

VERIFICATION OF POSTING OF AGENDA:

It was verified by Deputy Clerk Moore that the Agenda for this meeting was posted in accordance with NRS 241.

ACTION ITEMS:

AGENDA:

Deputy Clerk Moore reported that the Agenda had a typographical error where two appointments are listed at 2:30 but the board could just take the items in the order presented.

Commissioner Olsen made a motion to approve the Agenda as submitted. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

MINUTES:

Commissioner Scharmann made a motion to approve the Minutes of the regular meeting held on April 23, 2014 as submitted. Commissioner Olsen seconded the motion, which carried by unanimous vote.

Commissioner Scharmann made a motion to approve the Minutes of the regular meeting held on June 18, 2014 as submitted. Commissioner Erquiaga seconded the motion, which carried by majority vote, with Commissioner Olsen abstaining because he was not present at that meeting.

PUBLIC COMMENTS :

Chairman Erquiaga inquired if there were any public comments on issues that were not listed on the Agenda. Monte Morrison said he lives on Rancho Drive and wanted to report to the board about some personal experiences he has had. He is the Country Manager for Alterra Power, who operates the Soda Lake Geothermal Plant. He tries to commute to work on his bike down Soda Lake Road twenty or thirty times per year, which is about ten miles each way. For the past couple of years, he has had numerous instances of being chased by dogs. He has not been bitten but he has made numerous reports to the Sheriff's Office. He wants to make it clear that Sheriff's Trotter's department, from his dispatch to his deputies and Captain Joseph, have been nothing but professional, helpful, and tolerant. In the last two weeks, he has called five times making four reports. He wanted to bring to the Commissioners' attention that, in dealing with primarily Deputy Timmons, Deputy Johnson, and another that he did not get the name of, they have felt less than able to respond to his needs based on the lack of a county ordinance and relying only on NRS. He calls in because his fear is that he will be either bitten or forced to make evasive maneuvers and get hit by a truck or crash on the side of the road, so he has been making the reports. As of the last few reports, the deputies have issued a vicious dog warning and now they are issuing a vicious dog letter. Captain Joseph informs him that they are going to seize these animals. That was not his intent but, nonetheless, yesterday was the closest he has been to being hit by a semi after being chased. After counseling with one of the Commissioners today, he understands that his problem with this particular dog is probably going to be taken care of in the next twelve days, as the Sheriff's office has done so. He is coming before the board today because he will be writing an e-mail to each Commissioner, County Manager Lockwood, Sheriff Trotter, and District Attorney Mallory voicing his concerns and his support of the deputies. Unfortunately, his ignorance of the law, because he hasn't read the statutes and NRS, but understanding that there are no ordinances in the county, he comes before you today to say that this is not a barking dog issue, this is not a nuisance, but this is a safety hazard. He is older and somewhat wiser and has been able to evade the dogs and has not been injured but, if it was a kid that was chased and bitten or chased and evaded and was run over or crashed and hurt himself, we could have some liability issues within the county, as well as ultimate responsibility and horrible feelings over this. He makes these comments and wants to be clear that the Sheriff's department has been nothing but professional, helpful, and, it appears, that they will be effective in this particular instance. It has, however, taken two years of calls and taking deputies away from more important duties to handle these calls. He feels a bit guilty, actually, for calling them out for something that could be viewed as trivial but he is trying to be preventative.

Jim Falk said he received an e-mail from a friend in Yerington who saw a classified ad there for help wanted at the Rite of Passage, which operates a facility in the Yerington area for troubled youth. The ad called for immediate placement in temporary positions as social workers and therapists with bilingual capability. He does not know what the board might think about an increase or where an increase might be seen in troubled youth, unless you have been reading recent stories about illegal alien children streaming across our southern border, some of whom might be troubled and some of them are teenagers like the ones being put in the facility in Yerington. Maybe there are plans that people don't want us to know about for sending some of those youth to our neighboring county. The board might look into that. The Lyon County Commissioners will be meeting tomorrow but he does not know if there is anything on their Agenda about that matter but he is sure it will be something that will be talked about over there.

There was no further public comment.

APPOINTMENTS:

THE BOARD MAY REQUIRE THE PROVISION OF AN OATH OR AFFIRMATION BY ANY PERSON PROVIDING ORAL TESTIMONY AT A PUBLIC HEARING.

1:15 p.m. Consideration and possible action re: Update of current activities, plans, or actions related to the Carson City District of the Bureau of Land Management, *Terri Knutson, Carson City District of the Bureau of Land Management.*

Terri Knutson, Field Officer for the Carson City District of the Bureau of Land Management, reported that things are still moving along on some of the geothermal plants with drilling and utilization plans that they have received for new plant construction at Edwards Creek

Valley and Dixie Valley by Ormat. They also submitted something for Steamboat in Reno and at Wild Rose in Gabbs Valley. They have four new operations that they have submitted to the BLM. She provided a map of the September 10th geothermal competitive lease sale and the oil and gas lease sale. The pink on the map represents Dixie Meadows, which is Navy-owned land but the Navy does not own the minerals. The blue cross-checked parcel represents the only parcel for geothermal that is up for lease. That parcel can be leased but it still has to be surveyed and she believes that Ormat is going to pay for the survey because that is the Wilderness Study Area (WSA) boundary to make sure that it is not within the WSA.

Comptroller Kalt asked her to help him understand the areas in pink. Ms. Knutson explained that the pink areas are the Navy-owned lands in Dixie Meadows. The one that is for lease is the lone parcel depicted in blue hash tag. Those other parcels have been leased but they can't do anything on them until the survey is completed. As you can see, it appears that some of it may go into the WSA. Once the survey is done, those will be parceled up for the parts of the parcels that are outside the WSA. The oil and gas lease sale is the other map. Those are the green hatched parcels. The oil and gas lease sale will be held on September 9th and the geothermal lease sale is September 10th. This is the one that the BLM completed an Environmental Assessment (EA) for where they had to consider the impacts of fracking, which could be a possibility if those are leased. They did not receive an appeal of that EA.

Ms. Knutson reported that, with regard to minerals or hard rock mining, they met with the operators for the Bell Mountain Mine Project out by Earthquake Faults in a pre-application meeting and they have not yet submitted their mining plan of operations but they plan to do so some time before Spring 2015. That will be for a heap leach gold mine. Commissioner Erquiaga asked if that is in the same area as the mine was located before. Ms. Knutson replied that it is.

Again, with regard to the Travis Land Sale, that was published in the newspaper but BLM did not receive any comments. They issued a Record of Decision on that land sale, so they are waiting for the 30 day appeal period, so they expect this to go to patent in the August/September timeframe.

The drought monitoring continues. The team has been out for 23 days conducting drought monitoring on 30 or 31 allotments. They have monitored and found that there is lots of feed but no water across the board. There will be cuts but they will see how it goes. They will work with the permittees, two of whom are in the audience today.

Ms. Knutson reported that there was a fire in the Wilderness Study Area in the Desatoya Mountain Range. She provided a map depicting where the fire occurred over 213 acres. There were 22 acres of sage grouse habitat that was burned. It was a hard fire to fight because they couldn't get trucks into the WSA and it was steep and rocky terrain. They used a lot of hand crews on the fire. County Manager Lockwood said let's assume that, if the WSA was converted to a Wilderness Area, how much more difficult would it be to fight a fire. Ms. Knutson said it would be the same as a WSA. County Manager Lockwood asked who has to get whose signature or authority to go in there to fight fire. Ms. Knutson said they have fire management plans and those tell us at what level and degree they fight the fires in those areas. Because there was sage grouse habitat within that, the plans include trying to keep the fire out of those areas. the old days of just letting a fire burn no longer exist. These fires could get pretty big in these areas and could, actually, do a lot of good. They already have the management plans in place and, when they are called out on a fire, they have a book and maps in the plans to tell them to what degree they are to fight the fire.

Right now they have an acting District Manager in place, Don Holmstrom, who is from Klammath Falls. She hopes he puts in for the job and doesn't leave because he is a terrific man. She took him on a tour of areas last week to Hawthorne, Luning, up the Gabbs highway, and then back on Highway 50, so he had a quick look at what the areas look like. This area is quite different from the Klammath Falls area that he is used to. The BLM also has a new law enforcement officer, who is Logan Briscoe. She thinks he is going to be a terrific asset also. They now have 3 law enforcement officers and Mr. Briscoe, who is the supervisor out of the Carson City District and they are zoned with Winnemucca, who also has 2 rangers. At any time, they can help the other district as it is needed. That is a significant number of law enforcement officers from what they usually have, so that will help with some of the stuff at Sand Mountain and other areas.

Ms. Knutson said one of her assistant field managers, John Neal, has done a great job since he came to the district 2 years ago from Palamino Valley from the wild horse center. In the two years since he has been gone from that center, they have not been able to fill that position with somebody of that quality, so now they have stolen him back. She will be one short on supervisors in the district. That was her report.

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

1:30 p.m. Consideration and possible action re: Presentation of the China Spring Youth Camp overview, history, and funding, *Wendy Garrison, China Spring Camp.*

Wendy Garrison, from China Spring Youth Camp, said she not here to ask for anything but, simply, to just to talk about the camp for a few minutes. She was asked by the camp's Advisory Board, which has members from Churchill County on the board, to visit each of the County Commissions to talk about the camp and to provide some feedback about what they are doing for Churchill County, for the kids of Churchill County, and for its families in conjunction with the Juvenile Probation Department and to answer any questions the board might have.

First, the camp has been around since the early 1980s. They added on to the facility in about 2002 with a girls' program. This is the only girls' program in the State of Nevada. The camp serves all 16 of the 17 counties in the state, except for Clark County. They take kids from every jurisdiction. They exist to keep your kids from going further into the system. They are what you call a Tier II level of care. They are felons and have committed crimes that would be considered a felony if they were an adult. Since they are not adults, it is termed as a juvenile delinquent act and they are committed to the camp but stipulate because they would be going to state care out in Elko or in Caliente. The camp tries to address that bad delinquent behavior, bad parenting habits, or whatever intervention they can make in the family to stop so that they do not progress further into the system. To date, they have had a very good success rate. They do not call it a recidivism rate because that would not be a true measure. They have difficulty measuring delinquents on a recidivism basis so they call it a success rate for how many kids they stop from going on to state custody. For the girls, this year they are at 96% success and for the boys, they are at 92%. That means that, of 100 kids, 92 boys did not go on to state custody. They have 140 kids that come through the camp every year. They consider that to be pretty good.

Ms. Garrison said what they do is to change the way the kids think. They try to intervene, where maybe their parents did not when they were younger, by teaching the kids that, if someone leaves a set of keys in the car, they didn't leave it for you to take; they actually just left the keys in the car and you are supposed to walk on by. These kids think that, if they commit a crime, they have a 90% chance of getting away with it. The camps changes that rate, as it is

50/50; you either get caught or you don't. Since the kids are at the camp, they got caught. The camp tries to change what they think about crime and how they interact in their own communities. They help them learn responsibility and they help the parents. She goes to the Legislature to talk about the camp and, every year, she gets questioned about it being a day-camp for kids. This is not a day-camp. They are away from their homes for 6 months and the camp intervenes on a very direct level. There is nothing that they do not talk about. There is nothing that they do not delve into. They also bring the parents to the camp for parenting meetings. Juvenile Probation Officers keep in touch with their kids.

Ms. Garrison said one of the things she really wants the board to understand about the camp is that it is not fun. There is no television; there are no radios; the girls don't get to do their hair; there is no makeup; they wear their hair and clothes the way she wants them to wear it; and then they act the way she wants them to. They say "yes, Ma'am", "no, Ma'am", "yes, Sir" and "no, Sir". They are required to follow rules and, if they do not, there are consequences. For six months, the camp gives them what their parents did not give them. In some cases, the parents did do those things and the kids just did not listen. They work on that issue, as well. They work on all of the different things that may have happened to a child, such as sexual assault, abuse, whatever it is. They talk about those things and try to make changes in their thinking. As kids get older, they try to place them outside of their home, if necessary, and try to get them jobs. Lots of kids have graduated in the last few years from the camp, with an adult diploma. Just this year, they have had nine kids graduate, which was very good for the camp when they only have them for six months and most of the kids come in with zero credits because they haven't gone to school for a very long time. The kids are 12-18 years old and they are from every county in this state, except for Clark County.

Ms. Garrison said they have a very complicated budget but she will touch on it very briefly. The way the budget works is that she presents her budget to the Division of Health and Human Services (DHHS), it goes to the Governor, and then it goes to the Legislature for their decision. The Legislature then decides how much the state will participate and, from there, they subtract from her total budget the state's participation and then divvy up the balance to the remaining 16 counties. It is divvied up to the 16 counties based on the school population, so the more kids you have in your public, private, and home schools, the more your proportion will be. Washoe County is 50% of their budget because they have 50% of the school-aged kids. She provided a handout to the board. That information is included in the handout. She said she would be happy to answer any questions.

Chairman Erquiaga asked if there was any public comment. Commissioner Scharmann said she mentioned not wanting to use the words "recidivism rate" and, for example, she said there is a 96% success rate with the young women, so what time period does she classify as a success? Have they not entered back into the system for six months after leaving, 9 months, or 12 months? Ms. Garrison said they use a three-year study, which means they have not been back into the system in 3 years. One of the problems with why they cannot trace a recidivism rate is because she does not have access to the state numbers, so they run those numbers. The state will give a recidivism number. When the kids turn 18, with the average age at China Spring of 16.5 years, they cannot track them for that long, so they try to go as long as they can or until they are an adult. She tracks every time they go to a state facility. One of the things that has helped them to reduce that number and give a better success rate is that, since she took over as the Director 3 years ago, she has taken kids multiple times. She doesn't consider one time at the camp enough. Six months is okay but these are 16 years of bad habits, so she works with the Probation Officer and, if the kid is amenable and if they think that they can make a change, the camp will accept the child back. They call them re-treads, for lack of a better word. The most she has seen has been four times that a child returned. Commissioner Scharmann asked if those kids count in the camp's success rate. Ms. Garrison said they do count in their success rate for each new commitment. They do not consider it from the first one but it is for three years from the last commitment if they still did not go on to state custody.

Commissioner Scharmann asked about education, as he noticed the dollar assessment for education and she said that they graduate with an adult education diploma but does that include the 16 year olds? Ms. Garrison replied that, if they have enough credits or if they can test out, they do get the adult diploma. Douglas County School District provides the educational component to the camp. They provide five teachers and a principal, who is very good with the delinquent population, so they have been using some computers to assist in getting the kids the skills that they may have missed when they were in school. Some of the kids will not go back to school. It is just a fact that this population is at risk for all sorts of things and one of them is not going back to school. Commissioner Scharmann asked, when they are in China Spring, you do not require them to take classes if they do not have their high school diploma. Ms. Garrison said they all go to school, whether they have their high school diploma or not. They make them attend school, as there is always something they can be learning or something they can be working on. Today, they have 60 kids in the camp and all 60 of them attend school, including during the summer months. Commissioner Scharmann asked if they use any online schooling. Ms. Garrison said they do, as they use A+ primarily, which isn't really online but is the Douglas County School District's computer skill training, which, primarily, will make up any deficit. One girl right now is a credit and a half short and must get that in the next four weeks. She will do it or she will not leave the camp, as she has to have that diploma to graduate from the camp at this point because she will not go back to her school district, as they will not accept her back.

Commissioner Scharmann asked if Western Nevada College does anything to provide any duel credit opportunities or any occupational programs to the kids. Ms. Garrison replied that they do not. The only thing they use for Western Nevada College is their GED program when their kids need to test out of high school to get their GED. The camp has to take them to the site and sit with them for 8 hours while they test, as they are still under the camp's supervision. One thing to remember about these kids is that they are not highly motivated for schooling, for the most part, and they are not likely to go on to be people in specialized education or career paths. Their kids are really those kids who are not doing well in school, who did not do well in their community, and they may have other issues, as most qualify for an Individualized Education Programs (IEP), which is maintained at the camp. The camp is looking into a vocational program. The problem for the camp has always been money, as with everybody else. Money is important but money is also the limiting factor. They have a beautiful vocational building that was built in 2003 but they have never had the funding to out-source for people to teach the kids. They only vocational training they have is culinary and they also place the kids in culinary positions when they leave the camp. Commissioner Scharmann said he realizes these kids are not likely to be science professors but they could be welders. Ms. Garrison said she agrees but the Douglas County School District disagrees, however. The district feels that they will only provide vocational training for kids who are going to go get a high-paying job. They will not even staff the vocational culinary program; she has to do that with her staff, so the camp's cooks train the kids and get them their certification. The Douglas County School District does not see that as their mandate. Commissioner Scharmann asked if the district will not do it even if they can give the district the student-teacher ratios. Ms. Garrison said the district doesn't even have the programs any more in the Douglas County School District. Commissioner Scharmann said that is why he mentions Western Nevada College because they could do that and the college used to do that at China Spring years ago when they went out there with construction technology and welding. Ms. Garrison said the camp still has all of the equipment from that grant and they just sold the last building a few years ago but they have maintained that as much possible but the kids do not get credit for it.

Michael Johnson, Planning Director, said his oldest son ended up going to China Spring for six months because he did some stupid things. He thinks it was a good learning experience for him and the family still talks about it every once in awhile, although it was a good ten years ago. In looking back on that experience, his one criticism would be that, when he finished as a senior and they looked back, they realized he had failed the first semester of 9th grade English and, because it wasn't offered in Winnemucca after the first semester, he basically had to do home schooling that last semester in order to graduate. He would think that, with the classes that they give, they could look at the school system to see where the kids are missing credits and, if they are missing science, help them to catch up on those classes. His own son was missing a class from years before, which the school district was not offering when he went back to school. That would be his only criticism but the camp was good for his son. Commissioner Scharmann said they should be able to do that with A+ now, which they probably didn't have back then. Mr. Johnson said we are talking about 2003. Ms. Garrison said that is one of the things the camp has been working to change. The other thing is that the camp had a principal who was not on site and was an administrator for Douglas County School District. He used to tell her that the camp was a very small percentage of his responsibilities. He did not have a lot of time and resources to spend on the camp but, since that time, they have a new principal, Mickie Trujillo, who has written a book about juvenile delinquency, and she is running the Aspire Program in Douglas County, so she has taken an avid interest in the kids. The school has really improved over the last several years. This is the first year they have had summer school in a couple of years because the money was cut for summer school. The camp has to pay summer school out of the county portion and some state contribution. Douglas County School District does not pay for summer school; the camp has to pay for it out of their budget. She included that this last year and it has been a big improvement.

Commissioner Olsen said he has a question about intakes. It shows, if he is reading the page correctly, for Fiscal Year 2012-2013, that the allotment for Churchill County was only one juvenile. Ms. Garrison said the allotment is based on how much money each county pays in and the proportion of school population as to how many beds the county is assigned for each six months. The county would actually have four beds every six months; on the China Spring side it would be one every six months on the girls' side. Churchill County actually only had one come in on the China Spring side for intake and must have had one who was still there from the previous Fiscal Year, so one release from Aurora Pines. That is one change they have seen specifically for Churchill County, based on the Churchill County Chief Juvenile Probation Officer's actions and because the Juvenile Justice Facility has opened, that they have the kids involved in that. They have not seen as many kids from Churchill County in awhile. Plus, Churchill County used to be lumped together with Lyon County but, when the Tenth Judicial District was created, Churchill County was separated out. Churchill County may not have as many kids come from here, so to do a per-bed cost, it doesn't pan out for this county. However, the cost is there based on a state formula in statute, so it is not per bed. The camp does that just so the counties know that the camp is trying its best to get you as many beds as possible if they are needed throughout the year. If Churchill County needed five beds tomorrow, the camp would give you five beds somehow.

Commissioner Olsen said this arrangement was made, which perhaps Chief Juvenile Probation Officer Karlson could explain, where we are paying for this camp but, yet, we have our own facility and it sounds as if we are taking care of our own, as best we are able. He asked if that is accurate. Chief Karlson said that is accurate. We have a lot of programs within our county and, because of that, how we do things is that youth that are referred to China Spring really need it. We do not send easy kids to China Spring. The camp gets our kids that have failed numerous programs within our county, where we have tried multiple things first. When that fails, because our philosophy is to keep them at home where it is best for the youth and their family so that we can work with the youth and family together. When that doesn't occur, they child goes to China Spring or Aurora Pines. In her experience over the last 25 years, this is the premier facility in the state for the kinds of kids that reach that level. In the last several years, our numbers have gone down, so if you are asking if we are getting our money's worth, if you are looking just strictly at beds, we average 4 beds per year. That is what we have averaged in the last 3 years. We currently have 2 kids there now. We average 4 beds per year and we are allotted 8 but, she has also gone to the camp when we have had 3 kids in crisis, and we are able to get the kids in within a week. That is how it works out because we have programming within our own community, which is better for our kids. Commissioner Olsen said she answered part of his question in that there is value there having the China Spring Youth Camp available. Chief Karlson said that is absolutely true. If we did not have China Spring there, these youth would then go to the state. With the state, you do not get the component of working with the family, which is critical. When the youth are at China Spring or Aurora Pines, they get the attention that they need, plus that added component, and it is close enough that the Juvenile Probation Officers can go up there and do what they need to do. When the youth get out of China Spring or Aurora Pines, you can see the difference. We know what China Spring does and we do programming when the youth leave the programming by continuing that with the family and kid. We do not see kids going to the state once they are returned from China Spring or Aurora Pines; it is very rare. That is not so much the case with the state. Court Services is very worthwhile for our kids and families. Commissioner Olsen said he is proud of what our community has done here on our own and feels that there is great value in that. He just wanted to hear that there is value here too. Chief Karlson said there is absolute value. Commissioner Olsen said, from his perspective, he doesn't mind doing our share and a little more for doing both because there is value to the community where we try to keep these kids out of trouble and get them steered back on the right path. He appreciates that.

Ms. Garrison added that she has been at the camp since 1993, so 20 years, and, when she started in 1993, they kept the kids for an entire year. They have reduced that to 6 months due to the need of the counties. The one girl that they accepted multiple times was from Churchill County, so they had her for a year and a half. This one bed could represent a bed for a year and a half. It is very deceiving. If you are interested in specific statistics, the Probation Office would have those. The other thing to keep in mind is, when kids leave the camp, they are still on probation, which means you still have them in your community. Once they go to the state, the go to parole. She doesn't know how this county deals with parole but, at the camp, she does not see many Parole Officers who come to the camp for any kid. They have some kids who are state custody kids that don't have a family and are in the Foster Care Program and she never sees the

Parole Officer at the camp. She always sees the Probation Officers at the camp, with the parents, intervening in the kid's life. It seems like a lot of money. It is a big ticket item. Out-of-house placement is expensive. The camp does its best and they are the least expensive program in the state. They are a 60 bed facility with two programs. They have just under a $4M budget. The state is 60 beds and they have a $7M budget for one program in Elko. China Spring has 16 beds for the girls and 40 beds for the boys for $4M, which is quite a feat. This last year, when you saw your assessment go up, it was because of the requirements for a 1 to 10 ratio in the Prison Rape Elimination Act where federal requirements are pushing down, even on our little county camp in Douglas County. She does not think they are a prison but the federal government has them labeled that way. That is where the big expense came from the last Legislative Session and then there will be another in the next Legislative Session if the camp has to continue to meet those federal requirements and it looks like the Governor has agreed to meet them, at this point.

Chairman Erquiaga asked if there were any other questions or comments but there were none. He thanked her for her presentation. Ms. Garrison thanked the board for the time and said that she works for Churchill County as much as she does for her board in Douglas County, so she is available at any time to answer questions or to provide statistics and she will talk on the phone or drive out here to make a presentation again.

1:50 p.m. Public Hearing — Consideration and possible action re: Bill 2014-C, Ordinance 12, an ordinance providing for the establishment of business license fees for public utilities doing business in Churchill County, *Benjamin D. Shawcroft, Civil Deputy District Attorney.*

TITLE: AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF BUSINESS LICENSE FEES FOR PUBLIC UTILITIES DOING BUSINESS IN CHURCHILL COUNTY.

SUMMARY: NRS 354.59883 SETS FORTH THE AUTHORITY AND LIMITATIONS OF COUNTIES IN ADOPTING ORDINANCES WHICH ESTABLISH THE FEES IMPOSED UPON PUBLIC UTILITIES. THE COUNTY IS ALLOWED TO ESTABLISH A BUSINESS LICENSE FEE IN AN AMOUNT NOT GREATER THAN 5% OF THE UTILITY'S GROSS REVENUE RECEIVED FROM CUSTOMERS LOCATED WITHIN THE COUNTY. THE PUBLIC UTILITIES SUBJECT TO THIS FEE ARE (1) PROVIDERS OF ELECTRIC ENERGY, (2) PROVIDERS OF GAS (3) TELECOMMUNICATION CARRIERS AND (4) PROVIDERS OF PERSONAL WIRELESS SERVICES. THIS ORDINANCE ESTABLISHES A BUSINESS LICENSE FEE FOR THOSE PUBLIC UTILITIES WHICH SHALL BE 3% OF THEIR ANNUAL GROSS REVENUE AND WHICH SHALL INCREASE 1% EVERY 24 MONTHS UNTIL IT REACHES THE 5% CAP.

Deputy District Attorney Shawcroft provided with the Agenda Report the following:

1. Bill 2014-C, Ordinance 12;
2. Business impact statement; and
3. Relevant Statutes.

This ordinance establishes a business license fee to be paid by certain public utilities that do business in Churchill County. The businesses that will be subject to this ordinance are telecommunication companies, electric energy providers, natural gas providers, and personal wireless service providers. Churchill County is authorized, pursuant to NRS 354.59883, to impose fees upon these public utilities in an amount not greater than 5% of the utility's annual gross revenue derived from customers in Churchill County. The purpose of setting the 3% rate in this ordinance is to be in compliance with existing franchise agreements and the prohibition in the statutes of raising the rate more than 1% every other year.

The fee, along with a statement showing the revenue, will be due no later than 30 days after the end of each calendar quarter. The fee will increase 1% automatically every other year until it reaches the 5% cap. There is a penalty of 1% of the delinquent amount per month and interest of 1% of the delinquent amount per month.

Existing franchise agreements will remain in effect until such time as those are renegotiated and executed between the parties, at which time the new rate, as provided in the ordinance, will go into effect. For example, the franchise agreement between Southwest Gas and Churchill County is due for renewal. The existing agreement sets the rate at 2%. Southwest Gas will continue paying that rate until a new agreement is executed. They will then start paying the 3% rate.

A Business Impact Statement was adopted by the board at its June 18, 2014 meeting. Generally, the Business Impact Statement is required if the proposed ordinance will impose a direct and significant economic burden upon a business or if it restricts the formation, operation, or expansion of a business. Notifications were sent out to affected businesses and we received only one response back. It is explained in greater detail in the Business Impact Statement but the comments received by Southwest Gas did not indicate that there would be a significant economic burden upon the business. Where no arguments are submitted by the businesses, then a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon business. This is likely true because the costs of the ordinance are passed through to customers and the fee is authorized by statute.

Also provided with the Agenda Report were NRS 354.59881 – 354.5989, which are the relevant statutes for this business license fee. The proposed ordinance will generate additional revenue to the county for the General Fund. As an example, in FY 2013, Southwest Gas paid to Churchill County a franchise fee of 2% of its gross receipts, which totaled $64,245. This amount would be increased to $96,368 based on a 3% payment, a difference of $32,123.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Olsen said there was a letter from Southwest Gas where they mentioned the funding that is going to the school district. He asked to have that explained. Deputy DA Shawcroft replied that 2% of what we receive goes to the school district, which has been in place since before any of these changes were made. We were doing that already through their franchise agreement. The statute here does not address that because those things are addressed in the specific individual franchise agreements, pursuant to statute, which is what we follow. We did not feel that we needed to specify that in our own ordinance. Commissioner Olsen asked if this means that we will go from 2% to 3% and 2% of that will go to the school district, with the county receiving 1%. Deputy DA Shawcroft said we are going to 3% and, of the 3% that we receive, 2% of that goes to the school district. Commissioner Scharmann asked if it goes to 4% two years after that and then to 5% two years after that, which was answered affirmatively. Commissioner Olsen said that means basically 2/3 goes to the school district and 1/3 to the county. Deputy DA Shawcroft said it is actually much smaller, as it is 2% of what we receive from the 100%.

Commissioner Olsen made a motion to approve Bill 2014-C, Ordinance 12, an ordinance providing for the establishment of business license fees for

public utilities doing business in Churchill County. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

2:00 p.m. Public Hearing — Consideration and possible action re: Resolution 14-2014 Revised authorizing medium term obligation to purchase a dozer for the Churchill County Road Department and other matters relating thereto, *Alan Kalt, Comptroller.*

A RESOLUTION AUTHORIZING A MEDIUM-TERM OBLIGATION AND OTHER MATTERS PROPERLY RELATING THERETO.

Comptroller Kalt reported that the Board of County Commissioners took action at their June 18th meeting to approve the original Resolution 14-2014. However, the public notice was for a period of five days, which is less than the statutory mandatory 10 day publication period. This hearing on Resolution 14-2014 Revised was published on Wednesday, July 2, 2014, which is greater than ten days from the date the governing body shall act on the resolution. Thus, we will be in compliance with the applicable statutes.

The Board of County Commissioners approved the purchase of a dozer for the Road Department to operate the gravel plant at their May 1st Highway Commission meeting. At that meeting, the board directed the Comptroller to develop a financing plan and move forward with the necessary steps to obtain the financing associated with the purchase of the dozer. The financing plan assumes a purchase price not to exceed $550,000. The county will use $100,000 from the Road Equipment Replacement Capital Projects Fund, $100,000 from the Extraordinary Repairs and Maintenance Fund, and finance the remaining $350,000 over a period of ten years with a medium term financing (MTF) obligation. The statutes require the governing body to approve a resolution authorizing the medium-term obligation. Provided for consideration is Resolution 14-2014 Revised, which seeks authorization for a medium-term obligation in an amount of $350,000.00, to be repaid over a ten year period with funding received from the Payment in Lieu of Taxes (PILT) from the federal government. The Comptroller will be sending a letter requesting approval of the medium term financing to the Executive Director of the Department of Taxation as required by Nevada Administrative Code. A draft of the proposed medium term financing dozer purchase fact sheet was provided, which will be used to support our request letter. The approved resolution, Minutes, and financing statement will be provided to the Department of Taxation for their consideration. Due to the timing of the bid, award, and subsequent purchase, the financing item is being presented along the same bid award timeline as the equipment purchase.

The estimated total purchase cost is $550,000. The county intends to use medium term financing for $350,000, with a ten year payoff at an estimated interest rate of 4%, with total interest payments of $76,378 over the ten years, assuming no additional principal payments. Thus, the total cost of principal and interest would be $626,378. The county would pay $200,000 towards the purchase price up front and finance the remaining $350,000 for ten years. The annual principal and interest payments would be $42,637.84, assuming 4% interest and no additional principal payments. The county would annually apportion federal Payment in Lieu of Taxes (PILT) into the County Debt Service Fund to pay the principal and interest on the medium term financing. The county will reserve the right to pre-pay the debt down.

Comptroller Kalt reported, as an update, that the county has sent out letters to the banks dated July 14, 2014 asking for bids on this financing package. They have until noon on Tuesday, July 22nd, to respond. Options have been afforded that include a ten year fixed rate quotation, five year, and three year. Once those are received, staff will evaluate the options and make a recommendation on which way to proceed.

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

Commissioner Scharmann made a motion to approve Resolution 14-2014 Revised, authorizing a medium-term obligation to purchase a dozer for the Churchill County Road Department. Furthermore, to authorize the Comptroller to take the necessary steps to obtain the medium-term financing in accordance with the Nevada Administrative Code and the Nevada Revised Statutes. Commissioner Erquiaga seconded the motion, which carried by majority vote, with Commissioner Olsen voting opposed.

2:10 p.m.(A) Consideration and possible action re: Appointment to the Sending Site Review Committee.

Planning Director Johnson reported that the Sending Site Review Committee currently has a term that is due to expire on July 31, 2014. This opening was posted in the local newspaper, asking interested citizens to apply. Applications were due by July 3, 2014. By the closing date, one person, Bob Getto, expressed a desire to continue to serve on this committee. Mr. Getto is the incumbent whose term is ending. He has served admirably in this role and is highly qualified to sit on this committee.

A recommendation committee, which includes County Manager Eleanor Lockwood, Planning Director Michael Johnson, and Planning Commission Chair Stu Richardson, recommends that Mr. Getto be re-appointed for a three-year term, set to expire on July 31, 2017.

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

Commissioner Scharmann made a motion to reappoint Bob Getto to the Transfer of Development Rights (TDR) Sending Site Review Committee to fulfill a term that expires on July 31, 2017. Commissioner Olsen seconded the motion, which carried by unanimous vote.

2:10 p.m.(B) Consideration and possible action re: Appointment to the Planning Commission.

Planning Director Johnson reported that the Planning Commission currently has one vacancy, due to the recent resignation of a board member. This opening was posted in the local newspaper, asking interested citizens to apply. Applications were due by July 3, 2014. Two applications were received, from Rick Dentino and Paula Utter.

A recommendation committee, which includes County Manager Eleanor Lockwood, Planning Director Michael Johnson, and Planning Commission Chair Stu Richardson, reviewed the applications and determined their recommendation for Paula Utter to be appointed to the seat.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Olsen asked that we send a letter to Shawn Kohltfarber thanking him for his service. County Manager Lockwood reported that she had already obtained a plaque for him to show the county's appreciation for his service on the Planning Commission.

Commissioner Olsen made a motion to appoint Paula Utter to the Planning Commission to fill a term that expires on February 28, 2015. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

2:10 p.m.(C) Consideration and possible action re: Appointments to the Advisory Board to Manage Wildlife.

Human Resources Director Stark reported that the Advisory Board to Manage Wildlife (Wildlife Board) has two terms that are ending. To ensure that the public had opportunity to be considered, advertisements were placed in the local newspaper, asking interested citizens to apply. Applications were due by June 30, 2014. The two incumbents (Jim Curran and Mike

Olsen) asked to be re-appointed. No other applications were received. These two individuals have served admirably on the Wildlife Board and their continued service is greatly appreciated. With this in mind, staff recommends the two of them be reappointed to fulfill new three-year terms.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Olsen disclosed that this matter deals with his son, Mike Olsen, so he will abstain from discussion and voting.

Commissioner Scharmann made a motion to reappoint Jim Curran and Mike Olsen to the Advisory Board to Manage Wildlife to fill terms that expire on June 30, 2017. Commissioner Erquiaga seconded the motion, which carried by majority vote, with Commissioner Olsen abstaining.

2:20 p.m. Consideration and possible action re: Fire Department Equipment Replacement Plan and Resolution 16-2014 requesting to place ballot question on the General Election Ballot to support the purchase of fire equipment, *Fred Rogne, Fire Department.*

A RESOLUTION AUTHORIZING AN ELECTION TO IMPOSE AN ADDITIONAL LEVY OF TAXES AD VALOREM FOR THE PURPOSE OF PROVIDING FUNDING FOR THE PURCHASE OF MAJOR FIRE EQUIPMENT AND APPARATUS.

Comptroller Kalt reported that, currently, there is a three cent property tax rate in place to support the purchase of fire equipment. The voters approved a ballot question in November 2008. The tax was for a period of six years. Thus, it is set to expire effective June 30, 2015, unless approved by the voters.

The Fire Board unanimously approved a plan to place a ballot question on the November 2014 General Election ballot seeking community support to purchase fire equipment for the Fallon Churchill Volunteer Fire Department at their recent meeting. Fire Chief Fred Rogne was present to discuss the need for this dedicated funding. A PowerPoint presentation will be used at Candidate's Night and at various service clubs in the community to build community support for this effort. They will be outlining their needs and would respectfully request the board's permission to place a question on the General Election Ballot to seek community support for the purchase of fire equipment. The recommendation is to seek a 3 cent voter approved tax override.

If approved by the voters, the residents will see no change in their property taxes related to the fire department funding, as the tax would continue at the existing rate. The estimated amount of taxes on a $100,000 house would be $10.50 per year and the tax is currently in place. It is estimated that $199,300 would be collected annually.

Commissioner Olsen stated that our Fire Department is outstanding and he is thankful for all of the people who donate so much of their time and, at times, risk their lives to do things for this community. His concern is how do we get across to the community the importance of this, although he realizes it has been done in the past. He asked if there is a plan in place to get the word out to the community that this is worthwhile. This is a bargain for the community. We need to support the Fire Department. Mr. Rogne said there is a plan in place. They will have a PowerPoint presentation and will go to different civic groups, such as Rotary and others, in addition to Candidate's Night. He did the same back in 2008 and was really surprised at the support the Fire Department has. It felt really good to sit up there and explain what they were going to use the money for and have so many people in the audience stand up in support of the Fire Department. He believes this community is behind the Fire Department, as they provide a very good service. They are all volunteers. There is not one paid fireman on the Fire

Department. He just had 15 firemen go through Fire Fighter 1 and 2 on the national level and they all will graduate from that. They have put in over 350-400 hours above and beyond what they put in for training every week. Commissioner Olsen said he doesn't want to take anything for granted. People can forget. Every time you go back and ask for money, they feel like you are digging in their pockets, so they have to know they are getting something for their money. Mr. Rogne said the Fire Department is not asking for any additional money. The taxpayers are already paying this amount. This is a great community and the department has experienced good support from the Commissioners, from the City Council, and from the Mayor, and they really appreciate all of that support.

Commissioner Scharmann reiterated what Commissioner Olsen said. Everything the Fire Department does is great but we can't take it for granted that people know or that, because they chose to support it in 2008, they will automatically do it again. He asked them to be very careful and to go after it. Mr. Rogne said especially with the way the economy is now, as it is pretty rough. The Fire Department has talked about this in their business meetings and the fire members support the matter, so they will be out in the community to educate them about the matter and to seek support. They will also put some things in the newspaper and try to be at most of the community events. Comptroller Kalt has also offered to help them. Commissioner Olsen said, if there is any way the Commissioners can help, even just to be sitting there at an event or meeting, to show support, they are willing to do that.

Chairman Erquiaga echoed the previous comments by the other Commissioners. He supports the Fire Department but we need to remember that people do not like to see their taxes go up but, if they understand that they are already paying for this and they see the bargain that they get with this fantastic Fire Department with a very small budget, that will help. Mr. Rogne said, if you have been reading the Reno newspaper, although he is not picking on them, but they have their hands full there. If you figure what they need to support 21 firemen, that is $95,000 per year, per man. We are very, very fortunate in this community that we have people that will step up to the plate and volunteer to do this. They have a waiting list right now. We have 42 members but are going to increase that number. They have had some guys retire, so they are going to start adding more firemen on. They have that list of people waiting already.

Chairman Erquiaga said he hopes the people also realize that, when you think of a volunteer organization, you think of it as a mish-mash, but this Fire Department is as close to professional as they can come, except they just do not draw the paycheck. They are top notch fire fighters. Mr. Rogne said they are very progressive and it shows with the Class 1 ISO rating. They are proud of our Fire Department.

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

Commissioner Olsen made a motion to approve Resolution 16-2014 seeking the placement of a ballot question on the November 2014 General Election Ballot seeking community support to purchase fire equipment for the Fallon Churchill Volunteer Fire Department. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

2:30 p.m. First Reading — Consideration and possible action re: Bill 2014-D, Ordinance 113, an ordinance prohibiting medical marijuana establishments in Churchill County, *Benjamin D. Shawcroft, Deputy District Attorney.*

TITLE: AN ORDINANCE AMENDING CHURCHILL COUNTY CODE TO PROHIBIT MEDICAL MARIJUANA ESTABLISHMENTS IN

CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATED THERETO.
<u>SUMMARY</u>: IN 2013 THE NEVADA LEGISLATURE AMENDED CHAPTER 453A OF THE NRS SETTING FORTH THE FRAMEWORK FOR THE INTRODUCTION OF MEDICAL MARIJUANA ESTABLISHMENTS IN NEVADA IN ORDER TO PROVIDE A SUPPLY OF MEDICAL MARIJUANA TO PRESCRIBED USERS IN THE STATE. NRS 453A AUTHORIZES LOCAL GOVERNMENTS TO ENACT ZONING RESTRICTIONS RELATED TO MEDICAL MARIJUANA ESTABLISHMENTS. THIS ORDINANCE AMENDS THE ZONING PROVISIONS OF THE CHURCHILL COUNTY CODE PROHIBITING MEDICAL MARIJUANA ESTABLISHMENTS.

Deputy District Attorney Shawcroft reported that, on April 23, 2014, the board directed staff to prepare an ordinance prohibiting medical marijuana establishments in Churchill County. The proposed ordinance amends Title 16, Consolidated Development Code, by listing medical marijuana establishments as a prohibited land use in all Land Use Districts in the county. This ordinance will effectively prohibit any type of medical marijuana establishment, which includes dispensaries, cultivation facilities, testing laboratories, and facilities that produce marijuana infused products, such as edible products and oils.

This ordinance was reviewed by the District Attorney's Office for legal compliance with applicable state and federal law. The conclusion reached is that this ordinance is a legal use of the board's power to regulate land use. The state statutes allow local jurisdictions to regulate and even prohibit medical marijuana establishments. Moreover, the current federal prohibition of these types of establishments discourages any recommendation to approve this type of activity. A more thorough legal analysis of these issues was presented at the April 23rd meeting and a copy of that Agenda Report was provided for the board's review.

Chairman Erquiaga asked if there was any public comment. Jim Falk said he would hope the board would approve this prohibition on medical marijuana establishments. It is his understanding that there are adequate avenues for people to get marijuana illegally in the county, so he doesn't think we would want to open any avenue that would make it easier for them.

On another matter, back to Ms. Knutson's report, when she mentioned the new law enforcement authority members in her district, he wanted to comment on that but he thought the board would do so. He assumes that she has explained to these law enforcement personnel the limitations on their authority and prerogatives in Churchill County and how important it is for them to coordinate with the Sheriff. If she hasn't and if this board hasn't brought that up to her, he hopes the board will do so. With regard to that, Chairman Erquiaga said he has had conversations with Terri Knutson about law enforcement and she is well aware of that. County Manager Lockwood added that the Churchill County Master Plan, under the Public Policy for Public Lands, is very, very clear in stating that the Sheriff is considered law enforcement within this community.

Commissioner Scharmann made a motion to set Bill 2014-D, Ordinance 113, for a public hearing on August 7, 2014 and to direct the Clerk to publish notice of the public hearing for the ordinance as required by law. Commissioner Olsen seconded the motion, which carried by unanimous vote.

2:30 p.m. Consideration and possible action re: Resolution 17-2014, a joint resolution with the City of Fallon supporting the Interstate-11 corridor and future extension through Northern Nevada, *Eleanor Lockwood, County Manager.*

A JOINT RESOLUTION SUPPORTING THE INTERSTATE-11 CORRIDOR AND FUTURE EXTENSION THROUGH NORTHERN NEVADA.

County Manager Lockwood reported that the potential for the Interstate-11 corridor, connecting the metropolitan areas of Las Vegas, Nevada and Phoenix, Arizona, and ultimately expanding to become a major north-south transcontinental corridor through the United States Intermountain West from Mexico to Canada, would create a multitude of economic development benefits and transportation logistics benefits to many communities and the State of Nevada as a whole. Therefore, County Manager Lockwood contacted the City of Fallon to coordinate a joint resolution by the City of Fallon and Churchill County. The City Council considered approval of the joint resolution at their July 15, 2014 meeting and is provided to this board for its consideration today.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Scharmann said the resolution says, "Whereas, Churchill County and the City of Fallon are entirely confident that the future extension of Interstate 11 from Las Vegas to Canada passing through Churchill County and continuing through northern Nevada into Oregon...". Some conversations or presentations that he has heard have talked about going through Boise, Idaho, so he wonders if we want to generalize that a little bit more just by taking out the reference to Oregon and just say Churchill County and continuing through northern Nevada would offer a multitude of economic development benefits and just take the word Oregon out. That way, we are not putting our money on Oregon or Idaho, as we do not care. He asked if that is acceptable. County Manager Lockwood agreed and said she would make the change.

Commissioner Olsen made a motion to approve Resolution 17-2014 supporting the Interstate-11 corridor and future extension through Northern Nevada with the stated revision taking out the reference to Oregon. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

NEVADA LAND TRANSFER TASK FORCE UPDATE:

Chairman Erquiaga reported that the task force has not had a meeting, so he has no update. However, we have another item on the Agenda where this is discussed.

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

LETTERS RECEIVED: None.

OLD BUSINESS:

A. Consideration and possible action re: Acknowledgement of recordation of a Conservation Easement on property owned by Brian W. and Diane L. Baley at 2140 Drumm Lane, Assessor's Parcel Number 006-771-53, and authorization for issuance of TDR certificates to Churchill County.

Planning Director Johnson reported that the Board of County Commissioners approved the application for a sending site for Assessor's Parcel Number 006-771-53 on November 4, 2010. The county and the Navy have participated in a 25:75 basis to purchase a Restrictive Use Easement and a Conservation Easement on the subject property. A Conservation Easement, document #441533, and a Restrictive Use Easement, document #441540, were recorded on the subject property on June 27, 2014. As part of the Purchase Agreement between Brian and Diane

Baley and Churchill County, which was approved by the board on August 1, 2013, the 17 TDRs will be retained by Churchill County.

Chairman Erquiaga asked if there was any public comment but there was none. County Manager Lockwood said the Board of County Commissioners, about a year ago, sent a letter to the Navy requesting consideration for 90/10% funding. This is still under the 75/25% funding agreement. That has taken longer than usual to pass through the various steps of consideration with the Navy. The Baleys had applied for a sending site in 2010 and, because this is such a small property and the county has the funding, the decision was made to move forward with the acquisition. She wants to thank the Navy, as there was a mad dash during the last two weeks to ensure that we were able to close on this prior to the end of the last Fiscal Year. This last year, she believes we purchased four or five Conservation Easements. In light of the budgetary constraints that the county has been facing, most of the Conservation Easements we have placed have been on properties of fairly small acreage as compared to some of the acreage we purchased very early in the program about 8 years ago. We are glad to have another Conservation Easement, which will further protect the Navy and water.

Commissioner Olsen made a motion to acknowledge the recordation of Conservation Easement (Document #441533) for property located at 2140 Drumm Lane, Assessor's Parcel Number 006-771-53, consisting of 20.0 acres, with 9.18 acres of water rights, to authorize the issuance of 17 TDR Certificates to Churchill County, and to record the Notice of Final Decision to issue said Certificates. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

B. Consideration and possible action re: Update of community clean-up projects west of Soda Lake Road and west of Tarzyn Road.

Planning Director Johnson reported that, on June 5, 2014, Enel Green Power dedicated their employees to working within the community in which they operate. Enel worked with Churchill County on the clean-up west of Tarzyn Road, which has been an illegal dumping area for many years. Enel not only volunteered their employees but also provided the dumpster, tractor, portable toilets, and lunch for everyone. The Bureau of Reclamation has set up some K-rail along this area to eliminate truck traffic but still allows for ATV and foot traffic in the area, which was proposed to eliminate the dumping in the area.

Amor IX (Alterra Power) Soda Lake Geothermal had reevaluated the amount of risk at the site and found it to be unacceptable for people to manually pick up and dispose of debris. They scheduled a contractor with a large backhoe and clamshell bucket to assist in the cleanup.

Mr. Johnson added that, since the Agenda Report was prepared, the following update occurred: Alterra Power Corp. and it subsidiary AMOR IX, LLC which owns and operates the Soda Lake Geothermal Power Plant, successfully cleaned up a large amount of the debris left behind on the abandoned property to the northwest of the power plant on July 15, 2014. The Soda Lake team of five employees and the their contractor, WWW Construction from Reno, filled four dumpsters, totaling approximately 100 cubic yards, which were taken away from the site by Walker Lake Disposal to the local landfill. The site was cleaned of about 70% of the debris and trash left behind by the owner of the land. There were several piles of wood and debris that were burned on site, as well.

Mr. Johnson had pictures of the areas before and after these cleanup projects. Walker Lake Disposal is willing to work with these cleanup projects by reducing their charge for the use of the dumpsters and coordinating with each of the geothermal facilities. The total cost is not completed yet but it will be under the $1000 that was approved by the Board of County Commissioners in May 2014.

Chairman Erquiaga asked if there was any public comment but there was none. There was no action taken as this was provided for informational purposes only. County Manager Lockwood suggested that we send a formal thank you to both companies. The board suggested that a Proclamation be presented at the next meeting to honor these companies for their community service.

C. Consideration and possible action re: Churchill County's support of the submission of the final Nevada Land Management Task Force Report to the Legislative Committee on Public Lands concerning the Congressional Transfer of Public Lands to the State of Nevada.

County Manager Lockwood reported that, as Churchill County's representative on the Nevada Land Management Task Force, Commission Chair, Carl Erquiaga, has been regularly keeping the board and public updated on activities and discussions concerning the progress of the report on the Congressional transfer of public lands to the State of Nevada for the Legislative Committee on Public Lands. During the June 5, 2014 County Commission meeting, a link to the Preliminary Draft Report was made available to the public. The Nevada Association of Counties (NACO) attended the July 3, 2014 Commission meeting and provided a presentation and overview of the Task Force's Draft Report. A link to the full Draft Report was also provided during that meeting.

NACO has requested that any dissenting comments from our board, as well as public comments concerning the Draft Report, be submitted prior to the next Task Force meeting on July 18, 2014 whereby adoption of the final Report will occur in order to submit to the Legislative Committee on Public Lands for consideration at their August 1, 2014 meeting. Based upon discussions and comments at various County Commission meetings, a draft letter to NACO has been prepared expressing Churchill County's support of the Draft Report prepared by the Nevada Land Management Task Force.

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

Commissioner Scharmann made a motion to approve the proposed draft letter to the Nevada Association of Counties expressing Churchill County's support of the final Nevada Land Management Task Force Report to the Legislative Committee on Public Lands. Commissioner Olsen seconded the motion, which carried by unanimous vote.

NEW BUSINESS:

A. Consideration and possible action re: Second Amendment to Lease Agreement with Duncan Golf Management, Inc.

Comptroller Kalt reported that Churchill County and Duncan Golf Management, Inc. (DGM) entered into a facility Lease Agreement for the Fallon Golf Course on March 1, 2013. On February 6, 2014, Churchill County and DGM entered into the First Amendment to the Lease Agreement. The parties propose to enter into a Second Amendment to the Lease Agreement to address the issue of All Risk Physical Damage for all insurable real property structures, equipment, and contents. The proposed changes to be considered in the Second Amendment is to address the significant insurance cost increased to DGM for property and flood coverage at the Fallon Golf Course. The county owns the property and is able to obtain coverage at a lower cost and DGM is willing to pay for the county's cost of insurance, which is estimated at $500 per year. The county has a $50,000 deductible with the insurance POOL. The county and DGM seek to keep the course open and operational.

The proposed Second Amendment to the Lease Agreement was drafted by the Civil Division of the Churchill County District Attorney's Office. The proposed changes to the Lease Agreement are as follows: removal of section 8.4 All Risk Physical Damage, change subsequent paragraph numbers in section 8 Insurance and change the Guaranteed Rent payment in Exhibit B 1.6 to increase the annual amount by $500 to cover the property insurance cost. A summary of the changes are as follows:

1. Section 8.1 Commercial General Liability and Property Damage. Delete the words "and Property Damage" in the paragraph title and delete language "and broad form property damage coverage."
2. Section 8.4 All Risk Physical Damage: This section would be deleted and the county would be responsible for all risk physical damage, including flood and property damage to buildings and equipment.
3. Section 8.5 to 8.7: Renumbering to account for the deletion of Section 8.4.
4. Exhibit B: Definitions: 1.6 Guaranteed Rent The "Guaranteed Rent" shall increase by $500 to $2,151 plus the percentage increase in CPI for the previous calendar year to account for the county's estimated cost of property insurance.

All other items in the lease remains in full force and effect.

The removal of the property insurance would increase the county's property insurance by an estimated amount of $500 per year based on information provided by the Insurance Pool. The lessee is willing to pay for the increase in insurance costs, with an increase in the Guarantee Rent section of the Lease Agreement. Thus, there is no net fiscal impact to the county for the proposed changes. It should be noted that the county's deductible level with the Insurance POOL is $50,000. There is an adequate levels of reserves in the Risk Management Fund to cover several deductibles within a given fiscal year.

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

Commissioner Olsen made a motion to approve the Second Amendment to Lease Agreement with Duncan Golf Management, Inc. for the Lease Agreement on the Fallon Golf Course and to authorize the Chairman to sign the necessary documents, upon review and concurrence of the District Attorney's Office. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

<u>**CONSENT ITEMS**</u> (Action items generally not requiring discussion or explanation)

All matters listed under the Consent Agenda are considered routine and may be acted upon by the Board of County Commissioners with one action and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

1. INFORMATIONAL ITEMS –

A. Consideration and possible action re: CC Communications provides a copy of the annual report for Churchill County Telephone and Telegraph, dba CC Communications, Study Area Code 552349, pursuant to §54.313 of the Commission's rules.

B. Consideration and possible action re: Western Nevada HOME Consortium Short-Term and Transitional Housing Program Monitoring Report.

C. Consideration and possible action re: Renewal of Contract between Churchill County and SPB Utility Services, Inc.

2. REVIEW –

A. The Churchill County Social Services Office provides notification of the receipt of an indigent burial application under Client #8898, for which eligibility was conducted and the application denied pursuant to Chapter 428 of the Nevada Revised Statutes.

B. The Churchill County Social Services Office provides notification of the receipt of a Guardianship application under Proposed Ward #12564, for which eligibility will be conducted pursuant to Chapter 159 of the Nevada Revised Statutes.

C. The Churchill County Social Services Office provides notification of the approval of a Temporary Guardianship to conduct investigation for Ward #12564 pursuant to Chapter 159 of the Nevada Revised Statutes.

3. COMMITTEE AND DEPARTMENTAL REPORTS –

A. Treasurer's Report for May 2014.
B. Recorder's Monthly Apportion Report for June 2014.
C. Recorder's Real Property Transfer Tax 4th Quarter Report FY 13-14.
D. Recorder's Mining Claim Filing Fees 4th Quarter Report FY 13-14.
E. Sheriff's Report for June 2014.

Chairman Erquiaga asked if there was any public comment but there was none. **Commissioner Scharmann made a motion to approve the Consent Agenda as submitted. Commissioner Olsen seconded the motion, which carried by unanimous vote.**

CONSIDER FUTURE AGENDA ITEMS – County Manager Lockwood said, with regard to the Clean Water Act, she will prepare something for the board's Agenda in early September. She will keep the board informed of the comments related to the sage grouse that we will submit and where that takes us. We have already talked about the plaque being presented to Shawn Kohltfarber for his service on the Planning Commission.

COMMISSIONER REPORTS:

CHAIRMAN ERQUIAGA: Chairman Erquiaga said he enjoyed about 8 or 9 days in Boston visiting his son. After that trip, he can report that he ate too much and that home means Nevada. He could not have been happier to get home to our wide-open spaces. They had a great time and saw a Red Sox game while there, fireworks, and, as he said, ate too much but enjoyed themselves.

This morning, the Regional Transportation Commission met where they approved a whole lot of things for the end of the year road projects.

He noted the passing of his aunt, his mother's sister, Jessie Rubianes Heinz, who was 98 years old. She led a good long life and is now in a better place. She was also his God Mother.

COMMISSIONER OLSEN: Vice-Chairman Olsen said the 4th of July parade was a fun event. It was an extremely hot day and the funniest part was that, about half way through the parade, his 2 year old grandson decided to sit down in the bed of the fire truck and explore the wonderful world of candy. He would take one out of the bucket, try that one, and then spit that one out and go on to the next. He went through all of the different kinds of candy. It was funny to watch him. It was a good parade.

On the 10th, he attended the Stillwater Conservation District meeting where they have concerns about the Clean Water Act. They are going to write a letter and have looked at letters that have come out of Eureka and are looking to NACO, as well. They are going to try to develop a letter for themselves.

Yesterday was his Dad's 82nd birthday, so they are thankful for that as he is getting up there in years.

This morning, he attended the CEDA breakfast, which was well attended. He learned a lot about what Maggie, who is in the office over there, does and there is a lot of opportunity there for small businesses to get into government contracting. She knows the ropes and is there to help small businesses take advantage of that, whether it is county, federal, or state, as there is help there that can be had.

Last week, he and Rachel Dahl went over to Carson City for a meeting with the folks at NNDA to try to help coordinate efforts. It was a good frank discussion and, hopefully, good things will come from that. Also, Rachel mentioned this morning that this last quarter was her four month anniversary as the Director at CEDA. SBDC recognized CEDA as having the highest numbers in the state. He thinks they are doing good things there and they are really trying hard. She has a new lady in the office, Terry Lister, as she was able to get another grant to help fund part of Kim's position. They are doing more of the small business development work that Rick Lattin used to do and Rick is less of a presence in the office now. He thinks they are doing good things.

COMMISSIONER SCHARMANN: Commissioner Scharmann said he was also on the float in the 4th of July parade. That was a lot of fun to be there with Pete's grandkids and his own grandkids. Pete's grandson did steal the show sitting there eating the candy. They had plenty of candy and made it all the way through the route.

On July 6-13, he was in Utah. He had four granddaughters participating in a BYU musical workshop. What incredible talents they are. It was really fun to be there and spend a week with those kids. It was an expensive week with his four granddaughters but it was a lot of fun.

He also attended the CEDA breakfast this morning. That was really enlightening on what they are doing to help procurement contracting.

This morning, after the CEDA breakfast, the CART Board of Directors met and things are going well over there. It is interesting to note that, although CART is actually serving less people, if you look at the numbers, they are serving less people but they are actually increasing the amount of time on the road, which means they are spending more time helping people in and out, as there are a lot of ADA issues, which the driver's have learned to handle much better. They are really doing a nice job but it seems as if the seniors are driving more. For example, the numbers of lunches served at the Senior Center have increased dramatically and, yet, fewer are asking for rides to the center from CART.

He spent about 30 minutes with Terri Pereira regarding the EPA webinar at noon regarding the Clean Water Act and how EPA and the Army Corps of Engineers are tyring to explain what they are trying to do by clarifying the Clean Water Act. He is not quite buying it yet but Terri has a really good point in that our main concern is how it affects the Newlands Project. We need to get some clarification on that.

COUNTY MANAGER LOCKWOOD: County Manager Lockwood said she had a great 4th of July and took a couple of days of vacation. What is not included on her written report is that the HVAC unit was installed at the Senior Center just before the 4th of July. She had a card from the Senior Center thanking the board for funding support and thanking Jorge Guerrero and his staff for getting that in, not to mention the City of Fallon working with us on that. The seniors and staff appreciate that unit over these hot days that we have been having.

She met with Greg Tanner, Terri Pereira, and Commissioner Erquiaga to discuss the latest draft of the sage grouse bill originally drafted by Senator Reid's staff. She will continue to work on that. There is a teleconference this Friday with NACO to have further questions answered and comments made.

She thanked Ben Shawcroft for his comments on the rural subcommittee on indigent defense. We have forwarded the draft comments that Ben Shawcroft made to Jeff Fontaine. The primary concern that the subcommittee has is the lack of funding that the state has. Their concern is that those communities that have independent contracts with public defenders do not allow for extraordinary costs when there is an extraordinary capital murder trial. Our Civil Deputy District Attorney believes that our contract does include that. We shall see what happens with this report but we have submitted our comments to that.

Ms. Lockwood said she is having discussions with Resource Concepts Inc. (RCI), a company out of Gardnerville, who is under contract with NDEP to look at what used to be called the Well Head Protection Program where there are public water systems. They are trying to work with communities to make sure that we protect those areas. She will come back to the board with whether or not that moves forward.

She wanted to highlight some of the things that are taking place over the next two to three weeks. Next Tuesday, NDEP is hosting a public hearing at Fernley City Hall dealing with GreeNu's applications but she cannot find out whether or not the application is for the storage of tires or whether it is the recycling proposal that was submitted about two years ago. Michael Johnson will attend that meeting and she will also to hear what NDEP has to say and what concerns can be raised. She has a Regional County Managers meeting on the 23rd so, if the Commissioners want her to address anything at that meeting, please let her know. With regard to tire recycling and storage, at the Museum on July 25th, we have someone from our community who believes that we have too many tires around and they have suggestions for how those could be used, so that might be an interesting presentation.

There is huge concern by the Central Nevada Regional Water Authority (CNRWA) for the lack of water and the allocation of water, so the State Engineer is going around the state with listening sessions. She provided the board with a list of those sessions. The nearest place that one will be held is on July 28th in Lovelock and August 12th in Carson City. She believes she will attend the Carson City session.

She will be attending a priority based budgeting conference on August 5th-7th in Denver, Colorado, so she will miss the August 7th Commissioners' meeting.

<u>CLERK/TREASURER HELTON:</u> Clerk/Treasurer Helton was not present. Deputy Clerk Moore reported that tax bills have been mailed, so the office will be extremely busy with that aspect of the running of the office.

<u>COMPTROLLER KALT</u>: Comptroller Kalt provided a written report, which included the financial update for the Fiscal Year Ending June 30th. The auditors have been conducting interim testing over the past two weeks and will, hopefully, finish up today for this week. He also provided an update on the road financing. Top Gun Raceway is current on their payments.

Yesterday, he was honored and privileged to attend Rotary and do the introduction of their guest speaker, who happened to be the lady who is volunteering to take up the CASA Program, De Vere Karlson. He used her initials, DRK, to come up with acronyms for what those letters stand for. He talked about how De Vere's is so dedicated to this community, to programming, to youth, and to public safety in the community, so the D represents dedication. The R represents respect because De Vere is hugely respected as an individual, by her students, by the families she serves by helping to reform lives of youth, by educators, taxpayers, and fellow Department Heads. The K represents kindness. The kindness and compassion that De Vere shows to the kids, to the programs, to her staff, and to those whose lives she touches is outstanding. At the end of the meeting, Judge Stockard reminded him that, if we look at the aggregate of all of the marathons ran between De Vere, the Judge, and himself, the total is 20. As you may know, De Vere has completed 4 Boston marathons, 3 New York City marathons, and 13 others all by herself. You can do the math and find that equals 20, so you know how many he and Tom have completed. He really appreciates all of the hard work that De Vere has done for this community and the honor he had to introduce her yesterday. It was all well-deserved. He thanked De Vere, who was present in the audience.

<u>CIVIL DEPUTY DISTRICT ATTORNEY SHAWCROFT:</u> Civil Deputy District Attorney Shawcroft had nothing to report.

PUBLIC COMMENTS

Chairman Erquiaga inquired if there were any public comments on issues that were not listed on the Agenda. County Manager Lockwood said that was a beautiful segue from what Comptroller Kalt has just spoken about to what she would like to do now. De Vere has taken quite some time to decide to go on annual leave, starting August 4th, which is prior to the next Commission meeting. She has proclaimed and stated that she wants absolutely no recognition but, because of her dedicated service, we cannot let her go without saying what a great job she has done and without expressing our appreciation. De Vere is still the Chief Juvenile Probation Officer and will remain as such until October 1st. However, she will be handing the reins over to an extremely well-qualified and hard-working staff who have already been taking steps to make that transition as seamless as possible. At that time, she asked the Board of County Commissioners to come forward to make a presentation of a plaque to De Vere. Following the meeting, a reception was held in the Chambers for people to acknowledge De Vere and to express their congratulations and appreciation to her for her fantastic service to this community.

CLAIMS AND PAYROLL TRANSMITTALS

The claims and payroll transmittals submitted for this meeting were reviewed and approved.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 3:06 p.m.

APPROVED: ______________________
Carl Erquiaga, Chairman

APPROVED: ______________________
Pete Olsen, Vice-Chair

APPROVED: ______________________
Harry Scharmann, Commissioner

ATTEST:
Kelly G. Helton, Clerk/Treasurer

Pamela D Moore
____
Pamela D. Moore, Deputy Clerk of the Board

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 No. Taylor Street, Fallon, NV
Fallon, Nevada
August 7, 2014

CALL TO ORDER

The regular meeting of the Churchill County Board of Commissioners was called to order at 8:15 a.m. on the above date by Chairman Erquiaga.

PRESENT: Carl Erquiaga, Chairman
Pete Olsen, Vice-Chairman
Harry Scharmann, Commissioner
Benjamin D. Shawcroft, Civil Deputy District Attorney
Alan Kalt, Comptroller
Pamela D. Moore, Deputy Clerk of the Board

ABSENT: Kelly G. Helton, Clerk of the Board
Eleanor Lockwood, County Manager

PLEDGE OF ALLEGIANCE:

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

VERIFICATION OF POSTING OF AGENDA:

It was verified by Deputy Clerk Moore that the Agenda for this meeting was posted in accordance with NRS 241.

ACTION ITEMS:

AGENDA:

Commissioner Olsen made a motion to approve the Agenda as submitted. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

MINUTES:

Commissioner Scharmann made a motion to approve the Minutes of the special meeting held on October 3, 2013; special meetings of February 3 and 4, 2014; and regular meeting held on July 16, 2014 as submitted. Commissioner Olsen seconded the motion, which carried by unanimous vote. Commissioner Scharmann made a motion to approve the Minutes of the regular meeting held on July 3, 2014 as submitted. Commissioner Olsen seconded the motion, which carried by majority vote, with Commissioner Erquiaga abstaining due to his absence from that meeting.

PUBLIC COMMENTS :

Chairman Erquiaga inquired if there were any public comments on issues that were not listed on the Agenda. Dr. Robin Titus introduced herself and said she hopes to be the next Assemblywoman from District 38. She is here today to introduce herself and to listen to your needs and concerns, as well as to familiarize herself with your issues. Chairman Erquiaga welcomed her and asked for further public comment but there was none.

APPOINTMENTS:

THE BOARD MAY REQUIRE THE PROVISION OF AN OATH OR AFFIRMATION BY ANY PERSON PROVIDING ORAL TESTIMONY AT A PUBLIC HEARING.

8:15 a.m. Consideration and possible action re: Adoption of Proclamations expressing appreciation for the cleanup efforts and community service work performed by Amor IX, LLC, a division of Alterra Power Corporation, and Enel Green Power North America, Inc., *Michael Johnson, Planning Director.*

Planning Director Johnson reported that Enel Green Power North America, Inc. operates a geothermal power plant on Lawrence Lane in the Stillwater area near Salt Wells. Enel contacted the county to ask if there were any community service projects or cleanup efforts they could participate in. Working with the Planning Department, they identified an area known as the Old River Reservoir, off of the Lovelock Highway, where the illegal dumping of garbage, animal carcasses, household trash, and construction debris has accumulated over the years. On June 5, 2014, nineteen employees from Enel Green Power North America, Inc. worked diligently to clean up the property and remove two dumpsters with approximately sixty cubic yards of material. Enel paid all of the expenses associated with this effort, including the rental of two dumpsters, the landfill dump fees, equipment rentals, and provided lunch for their employees and volunteers. The property is now clear of garbage and unsightly debris. The county greatly appreciates the efforts of Enel North America Inc. and their employees to help improve our community.

Amor IX, LLC,. a division of Alterra Power Corporation, operates a geothermal power plant on Soda Lake Road. Amor IX contacted the county in regard to their concerns about an adjoining property that appeared to be abandoned. Trash and debris were accumulating on this property and being swept across the desert by strong winds. Amor IX and their employees volunteered to participate in a cleanup effort for this property. On July 15, 2014, thirteen employees from Amor IX worked diligently to clean up the property and remove four dumpsters with approximately 100 cubic yards of material. The county greatly appreciates the efforts of Amor IX, LLC, a division of Alterra Power Corporation, and their employees to help improve our community.

Proclamations were presented to the companies in appreciation of their efforts.

8:20 a.m. Public Hearing — Consideration and possible action re: Bill 2014-D, Ordinance 113, an ordinance prohibiting medical marijuana establishments in Churchill County, *Benjamin D. Shawcroft, Deputy District Attorney.*

TITLE: AN ORDINANCE AMENDING CHURCHILL COUNTY CODE TO PROHIBIT MEDICAL MARIJUANA ESTABLISHMENTS IN CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATED THERETO.

SUMMARY: IN 2013 THE NEVADA LEGISLATURE AMENDED CHAPTER 453A OF THE NRS SETTING FORTH THE FRAMEWORK FOR THE INTRODUCTION OF MEDICAL MARIJUANA ESTABLISHMENTS IN NEVADA IN ORDER TO PROVIDE A SUPPLY OF MEDICAL MARIJUANA TO PRESCRIBED USERS IN THE STATE. NRS 453A AUTHORIZES LOCAL GOVERNMENTS TO ENACT ZONING RESTRICTIONS RELATED TO MEDICAL MARIJUANA ESTABLISHMENTS. THIS ORDINANCE AMENDS THE ZONING PROVISIONS OF THE CHURCHILL COUNTY CODE PROHIBITING MEDICAL MARIJUANA ESTABLISHMENTS.

Deputy District Attorney Shawcroft reported that, on July 16, 2014, the board first reviewed Bill 2014-D, which lists medical marijuana establishments as a prohibited land use.

This ordinance was published as required by law. No further amendments or alterations were made since the first reading.

On April 23, 2014, the board directed staff to prepare an ordinance prohibiting medical marijuana establishments in Churchill County. The proposed ordinance amends Title 16, Consolidated Development Code, by listing medical marijuana establishments as a prohibited land use in all Land Use Districts in the county. This ordinance will effectively prohibit any type of medical marijuana establishment, which includes dispensaries, cultivation facilities, testing laboratories, and facilities that produce marijuana infused products such as edible products and oils.

This ordinance was reviewed by the District Attorney's Office for legal compliance with applicable state and federal law. The conclusion reached is that this ordinance is a legal use of the board's power to regulate land use. The state statutes allow local jurisdictions to regulate and even prohibit medical marijuana establishments. Moreover, the current federal prohibition of these types of establishments discourages any recommendation to approve of this type of activity. A more thorough legal analysis of these issues was presented at the April 23rd meeting.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Olsen said, in reading the ordinance as it sits by the fact that there are no areas listed in the ordinance, does that mean that there is nothing allowed? Deputy DA Shawcroft said that is correct. They took every single zone within Churchill County and listed medical marijuana establishments as a prohibited use for that zone. There are no areas left in Churchill County where you would be able to put one of these establishments.

Commission Olsen made a motion to approve Bill 2014-D, Ordinance 113, an ordinance amending Churchill County Code to prohibit medical marijuana establishments in Churchill County and other matters properly related thereto, with an effective date of September 1, 2014. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

8:30 a.m. Consideration and possible action re: Proposal to develop a disc (frisbee) golf course on Churchill County-owned property around the Onda Verde I subdivision, *Tom Fleming.*

Tom Fleming reported that the Fallon Disc Golf Association is attempting to establish a disc golf course within Churchill County for use by association members, the public, and potential disc golf tournaments sanctioned by the National Disc Golf Association. Tom Fleming approached County Manager Lockwood to discuss use of county-owned properties for this purpose; properties explored include the property off of Rice Road, east of the Fallon Golf Course, properties around the Onda Verde subdivision, property at Harmon Junction, and property off Miners Road. The proposal provides an explanation of the sport, the potential layout of the course, and the association's plan to garner support and donations. The proposal has been discussed with Ken Hendrix (Jenuane Communities/KDH builders). who owns the lots on Onda Verde I . Tom Fleming is seeking input and direction from the board.

The fiscal impact will be $0-$5,000 for county support, as directed by the board.

Mr. Fleming had a map of the area to demonstrate possible layout of the disc golf course. They have had meetings with County Manager Lockwood and Facilities, Parks and Recreation Director Guerrero about the proposal. The disc golf course would be 9 holes in one area and another 9 holes at the back of the property (as demonstrated on the overhead map). They have a proposed area for parking but are still discussing the best place for that, considering ingress and egress in the area for safety concerns. There is a designated area for practice. Disc golf is very similar to regular golf. Mr. Fleming had some discs for the board to see the various discs used in the game. In our area, there are several disc golf courses, including some new ones being developed. The sport is becoming popular throughout the United States. The closest one is located in Dayton at the park on the Carson River, about 5 miles this side of Dayton. It is a beautiful disc golf course. There is a new course just completed in Carson City and others being developed in Carson City and Reno. There are several along Lake Tahoe.

Mr. Fleming said this site is ideal for disc golf and the reason for that is because disc golf is just played on the terrain that is there. You do not have lawns to maintain and you basically just keep the weeds clear, keep the saplings from growing up, and the work around the natural obstacles that are on the site. This location has water on it, has mature and young trees, and has some dunes, etc. Right now, there are 3 homes built in the subdivision, with another in a different location. They chatted with the owner of the property a couple of days ago and he is very supportive of this disc golf course. For him, it is a win-win, as it keeps weeds clear of the area. Disc golf is a very quiet game and there might be four or five different groups on the course at any given time. It is very nice exercise and you can hear the sound of the chains rattling from time to time and occasionally a "whoop" if somebody puts one in from a long distance away. People just walk the course and play. It is a very nice game. He played ultimate with his kids since they were really little and has been playing disc golf now for probably the last four or five years. He loves the game and has found there are a lot of people who are really enjoying the game, including here in Churchill County. They see a lot of people from Fallon on the Dayton course, in particular. He is very confident that the course would be used. He asked if there were any questions.

Chairman Erquiaga asked if there was any public comment. Mr. Fleming said Jim Shirtliff is here and wondered if he would mention a bit about the implications for the local Scout Troops. Mr. Fleming said the head of the Pony Express is Glen Perazzo, who has walked the course and is very supportive. Mr. Shirtliff said he is here representing the Boy Scouts, particularly Troop 1776 here in Fallon. They are sponsored by Epworth United Methodist Church as their charter organization. The boys in Boys Scouts, in order to achieve the rank of Eagle Scout, are required to complete an Eagle Service Project. There is no time limit required for how many hours they have to spend on a given project but they typically run around 200 hours or more. His oldest son, when he did his project at the old Harmon School, ran about 830 hours on his project. They are looking to spread this amongst several boys' Eagle Service Projects, at least two or three. The first would be to help get the funding to pay for the baskets and t-pads and then putting in the first holes. A follow-on project would be to put in a secondary place for the baskets. They do re-locate the baskets, just like a golf course. They will re-locate a hole so that it is not always at the same point. For the first year or so, there would only be one spot for each basket but then they move the basket, which is just a sleeve in the ground where you insert the pipe and lock it into place. The course changes so that it is not always the same. The secondary pads for women or youth allow for closer shots, so it can be expanded upon for additional projects as the popularity in town grows. He knows they have right now, in their troop, his own son who would do the first project. His son, Timothy, is here today in the back of the room. He would be the first Eagle Scout to take a project on to get this rolling. After that, they currently have five other boys who are looking for projects, with another five who will be looking for projects in the next few months. That is just within their own troop. Mr. Perazzo's troop and even Karl Marsh have their own troops and they have all talked about this. They see this as a good opportunity for at least three or four Boy Scout projects into the future to initially put in the course and to expand on the course for further development after it is initially established. He must say that, when he was in college, they played frisbee golf. They didn't have baskets back then but they played it on campus. This game has developed since then into these baskets and official courses with rules. He had never played on a course so, when they first heard about this idea from Mr. Fleming, he and Timothy went to the Dayton course to play. It was very enjoyable and he thinks that the county would derive a benefit from it. It will help to grow the community and provide something else for families and youth to do. Another future project would be to put in some benches and tables at some of the holes so people can sit down and rest in between the holes, so there could be lots of Eagle Service Projects to come from this. Chairman Erquiaga asked if there was any further public comment. Mr. Fleming said their original proposal, which the board has not seen because it has been amended since chatting with County Manager Lockwood, was to propose concrete disc pads but they decided to propose instead temporary t-pads. A t-pad is essentially a t-box. You want a nice flat area to get that first shot. They amended it for the temporary t-pads. In Dayton, they have the temporary t-pads, which are quite common. The temporary t-pads consist of railroad ties, DG with a rubber mat on top. They are about five feet by ten feet, with the rubber mat about four feet wide in the middle. The whole thing can be taken down in one day. If the golf course expands someday, they can easily take apart the disc golf course and set it up at another site. Essentially, the baskets represent the single biggest cost for initial costs. If they needed to change and put the course somewhere else, then they would have all of those materials to move them somewhere else. This is a great site. Jorge Guerrero suggested that he take a look at the site on Miners Road, which is big enough but the difference between that site and this one is the natural obstacles or terrain or features that this space has. The site off of Miners Road, which he could see from an administrative point of view for Churchill County, has some nice features around the edge, with some trees and such, but the center is fairly featureless. This site would provide for a course that you could have tournaments on and which would attract people for professional disc golf tournaments to bring people to town for things like that. This is the type of course that people would come for. It is a beautiful site. It is very pleasant to walk around.

Mr. Shirtliff added that the funding for the baskets and t-pads would be accomplished through donations from businesses from sponsoring a hole. Each business would have a sign at that t-pad indicating that the business sponsored the hole. There would not be any expense to the county for those materials.

Jorge Guerrero, Facilities, Parks and Recreation Director, said he recently had some conversations with Mr. Fleming and he is correct in stating that disc golf if currently trending in the industry, so much so that he and Danny Gleich started talking about putting some holes at Liberty Pond or trying to figure something out at Miners Road. Of course, this proposal came up. Mr. Fleming indicates that there are some good spots on the outside of Miners Road but, for the most part, on the inside, it really does not give you what you want in a disc golf course. As far as this property is concerned, as far as the maintenance that the department is doing there currently, they go out there maybe once or twice a season with a piece of equipment to knock down the weeds as best they can. They are looking at acquiring another piece of equipment that might take care of some of these larger saplings that grow up around the ponds and such. That is about all that the department can do. He has spoken to Mr. Fleming about the department's limitations, not only with regard to budget but also with regard to staffing. They talked about a little bit about having the association and the association being able to come out and do some of the stuff and conducting some field days for repairs and upkeep. Of course, they are also discussing the Scouts. Those are really good intentions but what tends to happen is that people move on and those groups get smaller and then it tends to fall on the department. There is still opportunity for some success there. He knows Mr. Fleming has been in this community for a long time and he knows he is really passionate about it. He thinks Mr. Fleming would keep that volunteer base going, as well. The only thing he wants to caution the board about is that he does not have the manpower to go out there every day and pick up the trash or to deal with the weeds every time. They will do it at the beginning of the season and maybe midway through the season. They do not even have the equipment. Most of the time when his department does go out there, they borrow equipment from TCID and they have been really good about loaning it to us. Other than that, he does not have much more to say, other than the location is great and it would be nice to have a presence there. The impact would be minimal to the current residents. As Mr. Fleming said, they may occasionally hear some baskets every once in awhile. Another item might be parking. They talked about setting up a parking lot. This year has been the worst for weeds that he has ever seen, so he would expect they would receive calls to come out for that. His only concern is not having the manpower or the budget to go out there and handle the stuff. He doesn't think the budget impact would be as great as the manpower would be. By the time they send somebody out from the Fairgrounds a couple of times per week, just in fuel costs alone, it would hit their budget and they have seen that with some of the outlying parks that we have assumed responsibility for. Chairman Erquiaga asked if there was any further public comment but there was none.

Commissioner Scharmann said he knew of Mr. Fleming's musical and directing talents but he did not know he could throw a frisbee. Mr. Fleming said they have been doing that for their kids' entire lives. They would go down to Minnie Blair and play 500. When he used to direct band, they would take a break half way through and play a bit at the high school with the kids. It has been a big part of their lives since he and his wife were in college. Commissioner Scharmann asked Mr. Fleming to tell him about the Fallon Disc Golf Association because, although he appreciates the Scouts and has worked the Scouting and knows about Eagle Projects and all of that, but we need to make sure that we have some sustaining influence here over the years. That would be the association. Mr. Fleming said they have a group of about 7-10 people who play regularly and are willing to assist with the course. They anticipate that the numbers will grow as people become involved in the sport. What happens now, in Dayton for example, when they built the course, it started slowly and then they built up a base of people who play regularly. He anticipates that the same thing will happen here in Fallon. They do regular maintenance on the course where, on a Saturday, the group will come in to help to dispose of the garbage, weeding, and other maintenance. Everybody gathers to do that. There are a lot of disc golf associations throughout the country, which you can read about online. He would love for this to happen where they have an online presence and they have tournaments with their league, which he anticipates we will have, for a Saturday morning league or youth events for kids that occur on a regular basis. As it grows, the base of people who play regularly and who are part of the association will grow. He has seen that happen everywhere else and he has no doubt that the same thing will happen here in Fallon.

Commissioner Scharmann said to Mr. Guerrero that, in the proposal, there is an area where it talks about assistance from Churchill County and he wanted to know if Mr. Guerrero had read that. Mr. Guerrero said he had. Commissioner Scharmann said it talks about grading a parking lot, which we have talked about already. Whatever side of the road the parking lot is on, he doesn't care, but he asked if Mr. Guerrero thought that was possible. Mr. Guerrero said it is but there is the cost for the gravel and then it would just involve everyday maintenance. Commissioner Scharmann asked if we are talking about a second entrance. Mr. Guerrero said he would hope we would use the same entrance because he doesn't see how we could afford the costs of a second entrance. Some work will be required because that ground has not been prepared for a parking lot, so we would need to develop a sub-grade and, if we end up getting some moisture, even as much as we got the other day, it could become a muddy pit. There will have to be some thought put into that and, when you start thinking about it, it starts to cost more. Commissioner Scharmann said the reason he is asking these questions is because, as Mr. Guerrero said, the county has very limited resources in our Buildings and Grounds Department and there are very few people working there. The operating budget is very slim, so to bring on another project for them, it would be very difficult. The county would rely very heavily on the association to do this. It also talks about a couple of signs and that probably isn't a big problem, as we could work with our Road Department on that. The proposal says, "ongoing assistance with garbage, recycling removal" and then talks about mowing and spraying weeds. Right now, our department does not do much out there except maybe once a year for weed removal. Mr. Guerrero said that is correct. After just recently acquiring the property, that is what has been done in hopes of keeping the eye sore down and they do it in such a fashion where there is still some vegetation so that we have some dust control, as well. That is all that is done at this point. Commissioner Scharmann said he does not want this to become a burden on anyone. When you want something to sustain over a period of years, other people will be coming into the association and maybe the association will go away after five years, so the county wants to be very careful that we do not jump into something that we cannot sustain. However, at least we are not planting grass and greens and such. He does think this is a really good thing if we can work together to make it happen.

Commissioner Scharmann said Mr. Fleming touched on his next subject a little bit where there are no problems with the managers who are leasing the golf course. He would hope that, if they ever do want to come back and do the other 9 holes for the golf course in 10 years or something, that we will not have a problem getting back on these fairways and such, as Mr. Fleming indicated.

Commissioner Olsen said he is generally supportive of the idea, as it sounds good and the association is willing to do most of the work. They have heard some of the board's concerns and he believes they understand where the county is at on this. The board wants to be supportive of this program but one of his concerns is that we can see the obvious as far as interaction with the golf course across the river and what the original intention of the property was and any other uses that might be out there for the property. He knows one idea that had percolated in his head was, if we are going to have a river park, the property we bought off of Sheckler Cut Off provides for a place for people to get in the river but we have no place for people to get out. This provides river access for people to get out of the river. Are we impacting any of that use or should we take into account that we make some room for that and allow for the fact that there may be multiple use there on the property until such time as it is ultimately used again for a golf course? Mr. Guerrero said, with regard to the river park, initially it was going to be on the west bank when there was going to be a development there, as they were going to provide some property in the far corner (demonstrated on the map). Part of that development's open space plan was to provide the property to built a park for people to get out of the river. Of course, that development has died. Since we have acquired this property, something could be done in this area (demonstrated on overhead) but then you have to determine how to get the people out of there and then to the road, so there might have to be something done in that area. There is potential for that. That property was earmarked for development of the 18 hole golf course, so we have to take that into consideration. This is another opportunity to see this as another item that is going on the property that was not the original intent. Listening to them and the way that they talk about setting this disc golf course, it will be something that can be removed if the folks from the golf course decide they want to move forward with expansion.

Mr. Guerrero said one of the questions he had, which might be for our Deputy District Attorney, is about the county's legal liability because now we have people walking all over the property. He arrived a little bit late, so he doesn't know if the insurance has been discussed and how that will be handled. Is that going to fall on the Parks and Recreation Department? Mr. Fleming said the Fallon Disc Golf Association is prepared to pay secondary insurance. Mark Hammond has been a great help to them throughout this. Since disc golf courses are, at the moment, not very common, he had to look far and wide to find somebody to provide the insurance. He found Burns and Wilcox to sell the liability insurance. Initially, the costs would be $1,142.90. The association would certainly take that on for the secondary insurance. He provided a Certificate of Insurance, which shows the liability limits. He has been told by Mark Hammond that this is the standard insurance for secondary insurance. The association will have some income and will sponsor some tournaments throughout the year. They can do a combination of Professional Disc Golf Association (PDGA) events if this course measures up for a PDGA course, which he believes it could. The PDGA would then take care of everything and rents the course from the county and then puts the tournament on, which is a source of income. They can then have regional tournaments sponsored by the association. He knows all of the disc golf people who are helping the courses in Dayton, Reno, and Carson City to sponsor the regional tournaments. That would be another source of income.

Mr. Guerrero said Mr. Fleming talked about a lease and he was wondering how the association felt the term of that lease should be. He had also discussed fundraising efforts, so he wondered how that will be handled because, if things come to the Parks and Recreation Department, then the county becomes the owner of it, including dollars. They had discussed the challenges of the association being able to use the funds the way that they want to and how those are earmarked. Sometimes, people can get confused if they donate money and then things aren't happening and then they want their money back. He asked Mr. Fleming to address those items. Mr. Fleming said the Fallon Disc Golf Association is in the process of becoming a 501(C)(3) nonprofit, which is a lengthy process. In the meantime, they talked to Andrea Zeller of the Churchill Coalition, who has a meeting coming up, about people donating, primarily through the Boy Scouts, to buy a hole or parts of a hole etc. He and his wife are going to purchase a hole at the cost of $500, which will cover the basket, t-pad and sign. A lot of the materials could be donated or sold at a low cost. When people donate, they anticipate that the Churchill Coalition will set up an account to run the funds through until the association is able to finalize their 501(C)(3) status. If not, then perhaps it could be run through the Boy Scouts, although he does not know if that is a possibility. At any rate, there will be a place for people to donate. There are various costs outlined in the proposal for the t-pads, materials, etc. People or businesses can purchase an entire hole or various parts thereof. They anticipate being able to raise all of the money they need to build the course.

Mr. Guerrero asked what the timeline is for the course. Mr. Shirtliff said his son, Tim, is expecting to do his Eagle Project right away, so as soon as they get approval, they would be out trying to raise the funding to purchase the materials and start working as early as this fall. Mr.

Fleming said that Joseph Sorenson has requested to be the second Eagle Scout to work on the project, which must be done by March. Commissioner Scharmann asked if the Eagle Project is to put in a hole. Mr. Shirtliff said an Eagle Project is usually around 200 hours worth of work, so Timothy is planning to get in at least the first 9 holes. Mr. Fleming said they recruit help with their project and they will have adults who help. He intends to be out there with family and other disc golf players in Fallon who will help. It is very exciting to people who play disc golf because, any time a new course is built, everybody shows up. It is quite exciting. With the initial building, there is not a lot to it. You put a sleeve in the ground and the basket has a metal galvanized pole. They will get very good baskets that will last for a long time and you just slide it down in there. You have to put these ground sleeves in and it is done. That is all there is to it. The most work is the t-pads. You have to get the material to set up the box and make it level and then fill it with DG or even the dirt around it. You then cover it with a rubber mat and it is done. It is quite simple.

Deputy District Attorney Shawcroft said they have not really talked about the lease terms yet. His initial thought was to start with a year lease and then have potential automatic renewals after that first year. Of course, the county would invite the association back to give updates of what is happening out there. Mr. Fleming said he is completely happy with that and he totally understands that the county wants to see how it works. He has been doing this for a lot of years and his experience with it, particularly with the Dayton course, which he started playing when they first started to build it and he has been able to watch what happened with that. He has no doubt it will be successful, as we have a larger population involved in the sport and this course is more accessible than the Dayton course. Disc golf is a big part of the P.E. program in Churchill County now at the high school and perhaps even at the middle school. At the high school, it has become a big part of their physical education. He has no doubt whatsoever that this will be something that is really good for Fallon. That is his opinion but he totally understands the county's concerns. He is comfortable with a year lease, with renewals, because he knows it will work.

Commissioner Olsen asked if there are any fees associated with this for normal play. Mr. Fleming said there are not and you would have to hire someone to collect the fees. They will have a donation box and they will have a suggested fee but there is no way to enforce that unless you hire somebody. Commissioner Olsen asked if they have considered vandalism and control access to it at certain times. Mr. Fleming said it would be similar to any other park. He knows what has occurred at the skate park and they have closed the restrooms and put up portable restrooms. The one thing about this is that it is very accessible but you do have to drive to get there or you kind of go out of your way a little bit. It is not really close to the center of town. They do not anticipate any problems. There is not much to vandalize. These baskets are very strong. He does not anticipate any vandalism issues that could not be easily fixed. Commissioner Olsen said he is of a mind to proceed and have staff flesh out some of these issues that have been discussed here today. He wants to keep in the back of our minds the access for getting out of the river because he knows that, if we ever want to use the Sheckler Cut Off property for what we intended when we purchased it, we need a safe place for people to get out, rather than around the bridge on the highway that is not safe with traffic. Mr. Fleming demonstrated on the overhead map an area that is really beautiful and which is one of the most open areas on the river. It is really common with disc golf courses to have picnic tables. One of the Tahoe courses is, by far, the busiest course and they have a gazebo and full park set up. They looked at that area, which is probably the longest uninhabited section of river, county-owned for the most part, although access is a little weird because of a ditch up there. That was something they mentioned in the first proposal for multiuse. He wanted to keep this proposal simple by just keeping it at disc golf. However, since it was brought up by Commissioner Olsen, he wanted to mention that he thinks there are some things that are really ideal about that area and, if access could be achieved, and another area, which is also county-owned. Those areas are really quite lovely for multiuse river-on-the-park aspects.

Commissioner Olsen said he believes we ought to move forward but he believes it will have to come back before the board once the details are worked out. He doesn't know if we need a motion if the board agrees to direct staff to proceed to work out the details.

Chairman Erquiaga said he has some questions, although most of those were addressed here today. He wanted to add to the river access, which he thinks is a great idea. It would seem to him that, other than providing vehicle access, a simple reconfiguration of the hole there could allow overlapping uses. One of his concerns relates to the golf course. He said we removed that property from the golf course lease, did we not? Comptroller Kalt said that is correct. Those parcels are removed from the Duncan Golf Management Lease, so they are not part of the golf course. Chairman Erquiaga said that would not cause an entanglement there, at present. He just wants to raise some concerns about access. Technically, he said we would only have two points of access to each of the courses there, one where the parking area is and one of those foot paths. He doesn't think we would want people to cross those lots, regardless of whether someone lives there or not. He wonders how well defined those boundary lines are on the back side of those lots. He knows there are pins on the corners. Mr. Fleming said there has been a lot of work done in there. He demonstrated a line along there, all the way around, which is very easy to see where these lines are because it is raised. You actually have to walk up a little ridge and then you are on a flat section around the cul-de-sacs all the way around. They have configured these basket placements so that, although it may not be easily determined from the overhead, there is a lot of distance between the t-pad and where the basket will be. The ground comes down into there. He is not going to say that there will never be a disc thrown up onto the properties because he has done that himself. He has put his disc into somebody's back yard when he had a bad throw in the wind, so he will not say it will never happen. Generally speaking, far and away, people will stay right down in here (demonstrated), given that you go from the basket to the t-pad, basket to t-pad, basket to t-pad, etc. They very deliberately put all of these things so that they stay away from the property lines, as best they can. He demonstrated an area where there are trees all the way around. It is quite a veil of trees, with mature trees and water. It is almost like a veil where people on the other side might hear the chains but that is about it. It really is an ideal spot. Chairman Erquiaga said he drove around it the other day and he confesses that, when he got to that area, he was a little bit lost where the disc golf course is going to be, as it is that secluded. Mr. Fleming said there are deer in there. They saw 3 beautiful bucks in that spot in the corner.

Deputy DA Shawcroft asked if there is any plan to provide a map of the course so people know where the holes are and where not to go. Mr. Fleming said that is the case. They will take this map and blow it up as big as possible. When people come in, they can take a picture of it on their cell phone so they have a pretty good idea where they are going when you get on the course. That is a really important part. The sign at each hole shows a map for that particular hole. If you go online, you can see that baskets will say sponsored by, which is how people will be acknowledged for donating to the building of the course.

Chairman Erquiaga asked what the times of use will be. Mr. Fleming said it would be 24 hours per day, unless you put a fence around it and police it. Chairman Erquiaga said his concern, for lack of a better term, is he wouldn't want to create an attractive nuisance. He thinks we already have one and maybe this will actually reduce that because there will some foot traffic on there. Mr. Fleming said he knows there are some inhabitants right now, which the county may already be aware of. Chairman Erquiaga asked if they will have garbage cans and pick up. Mr. Fleming said he chatted with Ms. Lockwood since that was put in the proposal. The Dayton course has someone go in once a month, which is plenty. The entrance is done every couple of weeks. Their association does that and this association will do that. They will set up one for recycling and one for garbage.

Chairman Erquiaga said his other concern is about ADA access. Mr. Guerrero said that is always a factor. With this course, he doesn't believe any accommodation would be made or ability for that, unless you allowed them to have a motorized vehicle to navigate that, like some sort of a side-by-side or something like that. Chairman Erquiaga said he understands that but he wanted to know if we are exposing ourselves to something there. Deputy DA Shawcroft said he will look at that aspect.

Chairman Erquiaga said he has no other concerns or questions and would agree with Commissioner Olsen in that he is willing to proceed and see what staff fleshes out. Deputy DA Shawcroft said we do not need a motion, as staff can start working on a lease if that is the desire of the board.

Mr. Fleming said their question is whether they need to wait for the lease for the Scouts to proceed. Deputy DA Shawcroft said it is preferred that the lease is in place before they proceed, so it is clear as to who is liable for what and that kind of thing. He believes we could get it done fairly quickly and have it ready, maybe not for the next board meeting but the following board meeting.

Commissioner Olsen congratulated the Scouts on being here. It is great we have young men in the community who donate their time and, of course, the adults who supervise that. It is a fantastic program. There are people who do other things, such as horseback riding, car racing, and all kinds of things that happen where there is community support from the tax base but not very much. It is generally people like you folks that want to do it and you get out there and get it done. That is what makes Fallon a good community, so he thanks them.

8:40 a.m. Consideration and possible action re: Appointments to the Parks and Recreation Commission, *Jorge Guerrero, Facilities, Parks and Recreation Director.*

Facilities, Parks and Recreation Director Guerrero reported that the Parks and Recreation Commission has three terms that are ending. To ensure that the public had opportunity to be considered, advertisements were placed in the local newspaper, asking interested citizens to apply. Applications were due by June 30, 2014. The three incumbents (Kris Hadley, Bill Andrews, and Gene Young) asked to be reappointed. No other applications were received.

These three individuals have served admirably over the years and their continued service is greatly appreciated. With this in mind, staff recommends the three of them be reappointed to fulfill new three-year terms.

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

Commissioner Scharmann made a motion that the county reappoint Kris Hadley and Bill Andrews to the Parks and Recreation Commission to fill terms that expire on June 30, 2018 and reappoint Gene Young to the Parks and Recreation Commission to fill a term that expires on July 30, 2018. Commissioner Olsen seconded the motion, which carried by unanimous vote.

8:45 a.m. Consideration and possible action re: Approval of financing option to purchase a dozer for the Churchill County Road Department, *Alan Kalt, Comptroller.*

Comptroller Kalt reported that the Board of County Commissioners approved the purchase of a dozer for the Road Department to operate the gravel plant at their May 1st Highway Commission meeting. At that meeting, the board directed the Comptroller to develop a financing plan and move forward with the necessary steps to obtain the financing associated with the purchase of the dozer. The financing plan assumes a purchase price not to exceed $550,000. The county will use $100,000 from the Road Equipment Replacement Capital Projects Fund, $100,000 from the Extraordinary Repairs and Maintenance Fund, and finance the remaining $350,000 over a period not to exceed ten years, with a medium term financing (MTF) obligation.

The statutes require the governing body to approve a resolution authorizing the medium-term obligation. On July 16, the Commissioners approved Revised Resolution 14-2014, which seeks authorization for a medium-term obligation in an amount of $350,000 to be repaid over a period of time not to exceed ten years, with funding received from the Payment in Lieu of Taxes (PILT) from the federal government. The Comptroller sent a letter requesting approval of the medium term financing to the Executive Director of the Department of Taxation as required by Nevada Administrative Code.

The Comptroller's Office prepared and sent Request for Proposals on this MTF to various financial institutions. The county received proposals from First Independent Bank and Wells Fargo Bank (see documentation attached to Agenda Report for bid abstract and actual bid submittals). As noted in the materials, the lowest interest rate was offered by Wells Fargo Bank at a fixed rate of 1.99% for a 3 year lease purchase for the $350,000 loan. This corresponds to a rate of 2.25% from First Independent Bank. The interest cost of the Wells Fargo 3 year note would be $10,239.76, plus loan fees of $500, for an estimated financing cost of $10,740. The other option would be to internally fund this loan through an inter-fund loan from a fund that has adequate reserves that would not likely be used in the next three years and paid at the 1.99% interest rate to that fund instead of using a commercial bank. The repayment source (PILT) would remain the same. The county would have to annually renew the inter-fund loan as they may only be for one year under the statutory provisions. The estimated ending fund balance of the Building Reserve Fund for June 30, 2014 is $2,193,282. The Building Reserve Fund is accumulated funds for the construction of an adult jail facility. It does not appear that this facility would be built within the next three years. Currently, our investment returns for funds held at the Local Government Investment Pool (LGIP) is 0.09% and interest paid for investments held at First Independent Bank are paying 0.45%. Thus, the payment of 1.99% interest to the Building Reserve Fund would be significantly greater than the rate it is currently receiving. Under this alternative option, the county would pay the market rate (1.99%) and use the federal PILT revenues as a repayment stream as proposed. It would not materially impact the Building Reserve Fund or the ability to move forward with proposed projects. It is anticipated that it will take less than three years for the repayment of the $250,000 to the Building Reserve Fund.

The fiscal impact for the proposed loan would for $250,000, as the county had previously apportioned $100,000 of the FY 14 PILT payment into the county Debt Service Fund to have a reserve for FY 15 loan payments. Thus, the county has $300,000 of resources available for the purchase of the equipment ($100K Equipment Replacement Fund, $100K Extraordinary Repairs & Maintenance Fund, and $100K County Debt Service from PILT). The FY 15 budget apportioned $50,000 of federal PILT into the county Debt Service Fund. The county would use this and any greater than anticipated amount to repay the inter-fund loan back to the Building

Reserve Fund. The interest rate would be calculated at the end of each fiscal year at 1.99% until the loan is paid in full.

Alternatives include that the county could proceed with a lease purchase agreement with Wells Fargo bank as noted in their submittal to our request for proposal for MTF for the purchase of road equipment.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Scharmann commended Comptroller Kalt. He watched Alan for a lot of years when he was at the college and watched the county and he saw some of the work that he did but, being immersed in the county's business now, Alan came to him to discuss this and then he read it. He thinks it is just another example of where Alan really goes the extra mile to make things happen. He was the one that asked Alan if he could figure out a way to finance this thing and this is what he comes up with. He thinks it is just a great solution to this situation and he appreciates it.

Commissioner Olsen said, where we are going to be pulling that money out of the Building Fund and where we could potentially have to move forward with something, such as plans, is there plenty of funding in that Building Fund to be able to handle whatever we might want to do in the near term? For example, if we wanted to spend more money for plans for a jail? Comptroller Kalt said that is an excellent question. There is over $2M in that fund. We could use another fund if we had to. There is $2,185,981 in the Building Reserve Fund currently. That would be why he would want to pay it off in a three year window. If we were to move forward with the jail, Senior Center, or other capital projects, we would want to have access to those funds.

Commissioner Olsen asked Comptroller Kalt to walk him through, from beginning to end, how this money flows through the Road Department budget and back into repayment. Comptroller Kalt said what happens is the actual purchase itself will take place out of the Road Equipment Replacement Fund. If you will recall, we earmarked $100,000 of that funding to help pay for it. We have moved $100,000 into the fund from Extraordinary Repairs and Maintenance to pay for that. We have put $100,000 of federal PILT for last fiscal year in the Debt Service Fund. We propose to move that $100,000 over into the Building Reserve Fund. At that point, we will have moved $300,000 of the $550,000 necessary. We would be short $250,000 that we would transfer into the Interfund Loan from the Building Reserve Fund to the Road Equipment Fund. We would move the money from the Building Reserve Fund to the Road Equipment Fund, so now they have the $550,000 to pay for the equipment. Then what will happen is that we are financing $250,000. We will get our federal PILT in June 2015 and will earmark a portion of that for the repayment of that. The remaining balance would end up being paid with money in the Road Equipment Fund back to the Building Reserve Fund for one day because an Interfund Loan can only be for a period of one year. On July 1st, we would come before the board to issue a new note and let's say that we paid down $100,000, so then, instead of $250,000 it would be $150,000 now. We would have paid $100,000, plus 1.99% interest for that one year in the prior year, and would then have a note for $150,000 that the Building Reserve Fund gives to the Road Equipment Replacement Fund and then the payment is made within three years. He thinks, depending upon the amount of money that we collect on federal PILT, we may be able to pay it off sooner. You will have those annual transactions going back and forth to pay off that loan. It will be a serious of three one-year loans. Commissioner Olsen said he appreciates the explanation and what he is hearing is that we are not using any of the gas tax revenues to pay for this. Comptroller Kalt said, when we went out to purchase the dozer and to do the initial financing plan, it was discussed to use federal PILT, whether we are using it internally or whether we are doing it externally, we did not anticipate using gas tax revenue to pay for the dozer.

\ Chairman Erquiaga said he appreciated the narrative on how the transactions take place, which he had figured quite closely. You might think of it as paper chasing but it is what has to be done. He asked to restate what he thinks Comptroller Kalt explained: $100,000 will come from the Road Equipment Replacement Fund now, $100,000 will come from Extraordinary Repairs and Maintenance Fund now, and $100,000 from this last PILT payment, which was greater than anticipated. He wonders if we should consider not using Extraordinary Repairs and Maintenance money and finance $350,000 just so that it is all federal PILT and all Road Equipment Replacement Fund. He is not married to that but wanted to throw it out, unless we would have to bring it before the board two more times. Comptroller Kalt said he is happy with whatever the board's direction is but he would like to get the debt paid off, whether internally or externally, as quickly as possible. The Extraordinary Repairs and Maintenance Fund has a balance of $576,341 and we budgeted with the anticipated move of that $100,000 out of the fund. There is adequate funding there if the board wants to use that fund. If you do not want to, he can appreciate that and it would allow more money for unforeseen extraordinary matters in the future. It is whatever the board's preference would be.

Commissioner Scharmann said he would prefer to leave it as Comptroller Kalt has proposed. It is all county money. The thing he likes about it is that, before we want to build a law enforcement facility, that money is paid back. That is how his simple mind looks at it. We are borrowing it from that account but it will be paid back before we actually need it for that facility, so it is not taking anything away from that law enforcement facility. Chairman Erquiaga agreed. There were no further questions or comments.

Commissioner Olsen made a motion to approve the financing of the purchase of a dozer with an inter-fund loan from the Building Reserve Fund, noting that the loan would be for $250,000 at an interest rate of 1.99%. The loan would be paid with the apportionment of Federal PILT revenues and any greater than anticipated PILT revenues subsequently received would be used to pay off the inter-fund loan. Furthermore, to authorize the Comptroller to take the necessary steps to complete this transaction in accordance with the Nevada Administrative Code and the Nevada Revised Statutes. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

8:50 a.m. Consideration and possible action re: Approval of Southwest Gas Franchise Agreement, *Benjamin D. Shawcroft, Deputy District Attorney.*

Deputy District Attorney Shawcroft reported that, pursuant to NRS 709.060, Southwest Gas has applied for a Franchise Agreement for the delivery of natural gas to customers in Churchill County. The county currently has a Franchise Agreement with Southwest Gas, which was entered into on March 15, 1989. This agreement is set to expire on September 15, 2014. The proposed Franchise Agreement was provided with the Agenda Report and is explained here in general terms:

1. The term of the proposed agreement is 25 years. This is the maximum term allowed by law.
2. The franchise fee that the county will receive will be called a "business license fee" and will follow the recently approved public utility business license fee

ordinance; the rate will be set at 2% gross revenue until the new ordinance goes into effect on October 1, 2014, at which time the rate will move to 3%; the rate will adjust automatically every other year, until it reaches the 5% statutory cap, where it will remain until the end of the 25 years.

3. On or before July 1st of each year, the county will deduct 2% of the net profits received from Southwest Gas 2%, which will be transmitted to the Churchill County School District Fund. This is required by NRS.
4. Section 7 discusses who will pay for the relocation of gas system facilities under different scenarios. Generally speaking, Southwest Gas will pay to relocate systems that are part of a county funded government project. The county will pay if the relocation is necessitated by the county in furtherance of a non-governmental function. If the county requires the relocation of systems within private easements then the county will pay the cost. There are additional unique scenarios outlined in section 7.
5. The rest of the agreement contains general contract provisions.

The fiscal impact, with the increase in the rate for the franchise/business license fee, the county will see a slight gain in revenue.

Deputy Clerk Moore testified that the legal notice was published pursuant to statutory guidelines.

Del Schoening, from Southwest Gas, was in attendance and available to answer any questions the board might have.

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

Commissioner Scharmann made a motion to approve the Franchise Agreement between Churchill County and Southwest Gas Corporation for a term of 25 years. Commissioner Olsen seconded the motion, which carried by unanimous vote.

8:55 a.m. (A) Consideration and possible action re: Acceptance of Community Development Block Grant (CDBG) and Sub-recipient Agreement for FY 2015 Northern Nevada Development Authority, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that, in January 2014, Churchill County submitted an application to the Governor's Office on Economic Development Community Development Block Grant program. The funds have been awarded totaling $90,000 to provide professional services and expenses to carry out the project. The overall scope of work is designed to create a marketing and asset plan to create employment within the area. It is required that a minimum three low to moderate income (LMI) jobs will need to be provided.

Initially, only $105,000 was requested but, based off of prior NNDA similar projects and the costs, the committee recommended $90,000 be awarded. A total of $90,000 was awarded with no cash match required from the county.

The environmental assessment has been updated and submitted for signature at this time. Once this award, agreement, and updated environmental is submitted, a Notice to Proceed should be received. The agreement and award have been reviewed and approved to proceed by the Civil District Attorney's Office.

Chairman Erquiaga asked if there was any public comment. Jim Falk said, as he has done on at least one other occasion, he cautioned the board to go through these grants with a fine-toothed comb to ensure that you will not be restrained from doing something you might want to do or to be forced to do something that you do not want to do or anything of a fiscal nature that would cause problems later.

Social Services Director Ernst pointed out that there is no cash match with this grant. This is all in-kind work that will be done by county staff and committee members. Commissioner Scharmann said he wanted to respond to Jim Falk's comments. He believes they are all watching pretty closely and do not want any strings attached. We are pretty careful about that. This one, for economic development, really backs up a commitment that we have tried to make with the Northern Nevada Development Authority to see if our partnership with NNDA is a viable thing and if it will pay off for Churchill County. The reason he voted for this is to give NNDA a good shot at success here in Churchill County.

Social Services Director Ernst added that the committee met for the first time last week. One of the things that will be coming forward at the next meeting is their outcomes for their membership and then we have a separate agreement for this grant. We do not want those lines to be crossed. Certain things will be produced under our membership with NNDA and then the agreement will outline the things that will be produced under the grant. That will be presented at the next meeting to make sure that the county is getting its membership contract fulfilled and also this proposal fulfilled.

Commissioner Olsen asked Comptroller Kalt if there is anything else that we could address to Jim Falk's concerns. Comptroller Kalt said what is important to understand is that, when we accept grants, we are subject to the single audit act. There are a lot of federal guidelines that we must follow. If we get one grant or we receive twenty five grants, the same amount of single audit work, the drug free workforce, and all of those types of things that we must comply with, remain the same. He provides training to all of our staff involved in grants so that we are following those guidelines. He appreciates Mr. Falk's concerns. The county looks at those things and we set a threshold on grants where certain grants under a certain dollar amount may cost more in time, energy, and effort than the amount we may receive. That is why you see the grants that we go after being larger dollar grants. They are reviewed on a case-by-case basis. The County Manager and he look at them, as well. Commissioner Olsen said he was glad to see that there will be communication on a monthly basis.

Commissioner Olsen made a motion to accept, as indicated by the signature of the Chair, the Community Development Block Grant totaling $90,000 for the Economic Development Plan and Implementation Project and to further authorize the Chair to enter into the Sub-Recipient Agreement with Northern Nevada Development Authority to carry out the scope of work. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

8:55 a.m. (B) Consideration and possible action re: Acceptance of Community Development Block Grant (CDBG) and Sub-recipient Agreement for FY 2015 Tenth Judicial District Court, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that, in January 2014, Churchill County submitted an application to the Governor's Office on Economic Development Community Development Block Grant program. The funds have been awarded totaling $11,705 to provide funding to implement the project. The overall scope of work is designed to purchase equipment and to provide media support and training for the program.

Initially, $65,815 was requested but, based on the committee's recommendation not to fund county staff salaries, a total of $11,705 was awarded to purchase equipment, software licenses, media, advocate training, and travel expenses. A total of $11,705 was awarded with no cash match from the county. All matching is based off of volunteer/advocate time and additional grants received.

The environmental was submitted and accepted with the initial application and is submitted for signature at this time. Once this award and agreement are submitted, a Notice to Proceed should be received. The agreement and award have been reviewed and approved to proceed by the Civil District Attorney's Office.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Scharmann asked Social Services Director Ernst if she has some ideas about grants for salaries because De Vere Karlson is volunteering her time at present. Ms. Ernst said Ms. Karlson has volunteered her time to get the program going and to give a certain timeline of commitment. They are looking for additional funding. One of the restrictions they had was you could not obtain foundation grants passed through the National CASA Foundation for the first year of operation due to the fact you have to show that you are meeting your outcomes. That requirement was waived. We received a letter a couple of months ago that said we could go ahead and proceed to obtain those grants and those should be released soon. De Vere Karlson and Sue Sevon are working on those through the Tenth Judicial District Court. At this point, we are just going to oversee CDBG through Social Services and the rest will be handled through the Tenth Judicial District Court.

Commissioner Scharmann made a motion to accept, as indicated by the signature of the Chair, the Community Development Block Grant totaling $11,705 for the CASA (Court Appointed Special Advocate) project and to further authorize the Chair to enter into the Sub-Recipient Agreement with the Tenth Judicial District Court to carry out the scope of work.

Commissioner Olsen seconded the motion, which carried by unanimous vote.

8:55 a.m. (C) Consideration and possible action re: Agreement with Community Services Block Grant (CSBG) for the provision of General Community Action Activities for Churchill County Social Services, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that the Community Services Block Grant (CSBG) funds are awarded annually based on formulas of poverty, unemployment rates, and population within each community. For Fiscal Year 2015, demographic information was tested and Churchill County has received a reduction from $75,013 to $62,034.

The CSBG funding shall be utilized to support:

Staffing:
- 40% FTE Clerical Specialist
- 50% FTE Project Coordinator
- 40% FTE Transitional Housing Case Worker – HUD provides additional costs
- Supports for Adult Employment Program
- Earned Income Tax Credit Program
- Community Partnership Committee
- Budgeting Classes
- Youth Internship Program
- Training & Travel: Staff & Advisory Board
- Financial costs for ELogic Software – Required to maintain funding and Community Action Status
- Media Costs to support programming

The fiscal impact would be to receive grant funds supporting programming at $64,034 and we anticipate $31,617 in carry-over funds from Fiscal Year 2014, which will be used to offset other grant funds such as HUD and ESG. The funding would come from the Community Services Block Grant (CSBG).

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

Commissioner Olsen made a motion to accept CSBG funds and to authorize the Director of Churchill County Social Services to sign the necessary agreements to proceed in providing general Community Action Activities for Fiscal Year 2015. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

8:55 a.m. (D) Consideration and possible action re: Approval of agreement with Housing and Urban Development (HUD) for the provision of the Primary Assistance and Transitional Housing grant, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that the Primary Assistance and Transitional Housing Program has been in existence and funded by HUD since 2003. The program provides up to 5 families or 13 beds for housing and case management to elevate the homeless in Churchill County. The grant requires that there be a 0% match on housing and a 25% match on supportive services (case management). Even though there is no match requirement on housing, match funds have been obtained through the Western Nevada Home Consortium (WNHC), prior to closing the consortium. The funding for housing was obtained to meet the additional costs and need. Through the allocation from CSBG, funds are allocated on an annual basis to meet not only the required matching costs of case management/supportive services but also the additional need.

In addition, as of July 1, 2014, an environmental review is required for the project area. As required, the area of leasing has been reviewed, documented, and restrictions have been outlined to ensure no program participants enter into agreements located in flight or flood zone areas.

HUD funding for renewal is $74,919 annually, maintained from Fiscal Year 2014, which is a 63% increase from Fiscal Year 2013. The total awarded for CSBG case management/supportive services is $22,397 and WNHC $78,000 for housing through FY 2015 with 7% administrative costs.

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

Commissioner Scharmann made a motion to accept HUD funds, as indicated by the signature of the Chair of the Churchill County Board of Commissioners, awarded to Churchill County for the provision of the Primary Assistance and Transitional Housing grant. Commissioner Olsen seconded the motion, which carried by unanimous vote.

8:55 a.m. (E) Consideration and possible action re: Request for budget amendment with Housing and Urban Development (HUD) for the provision of the Primary Assistance and Transitional Housing grant to include a cost share for HMIS, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that, in order to obtain ESG and HUD SHP funding, it is required that all program participants be entered into the Statewide Clarity HMIS data system. Over the past 10 years, the funding to provide the system has been provided by HUD SHP and ESG dollars. During the past HUD funding cycle, the SHP funds were not awarded.

After several meetings with HUD, the State Housing Division, and the Continuum of Care Program, it was found that grantees could allocate funds from their HUD SHP awards to maintain the mandated system. In a meeting held with the above-mentioned agencies on Thursday, July 24, 2014, it was identified that Churchill County would only have $4,746.59 available to allocate to the data for the current grant Fiscal Year 2014-2015 but that it could have up to 10% in the Fiscal Year 2015-2016 allocation.

At this time, it is requested that authorization is provided to the Director of Social Services to negotiate the final terms and amendments and further authorize the Chair to sign approved amendments required by HUD to compete the necessary agreements.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Scharmann asked what formula they are basing this reduction on. He assumes this is all formula funding. Ms. Ernst said what is so confusing is that, back in Fiscal Year 2014, HUD allocated a lot more dollars to supportive housing projects, which was where we had that large increase. She did not need that large increase to support our program but you are required to accept the funds that will pay for the beds that you state you will have. If she tells them that she will have 1 one-bedroom, 2 two-bedrooms, and 3 three-bedrooms, then, based on the affordable rental costs projected for our area, that is how they are funded. They had matching dollars to cover this, so it has allowed extra dollars to be there. With HUD, they have stated what cap we have and provided the extra money for these beds but the maximum that the rural areas will ever receive is $600,000. They make us accept an increase. When we go in for rankings, there is a committee that determines the Tier 1 counties that will be heard first and then, if they run out of money and HUD is not going to fund anymore, they will drop off Tier 2 counties. She does not know why the consultants said that this would automatically be funded. We are out of money, so we need to work on our ranking in the future. They will not provide additional money. They will say we have to accept additional money but they will not provide us with additional funds to the overall rural areas. The hard part with this is that we are required to submit to HMIS, which is a great data system. She can have someone come into the office who might have been in Las Vegas yesterday and she can see the activity. It is a great system and she would like to see it implemented more across the state but it is something we have to fund throughout the whole state. This is a local company, which is BitFocus out of Las Vegas. They have been great to work with. When she was in Vegas two weeks ago, she met with them and they agreed to put extra items in there for them to do evaluation.

Commissioner Olsen made a motion to authorize the Director of Churchill County Social Services to negotiate the amendments of contracts with HUD for up to 10% to allow for a Clarity HMIS access and to authorize the Chair to sign all amendments pertaining to HMIS through Fiscal Year 2016. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

8:55 a.m. (F) Consideration and possible action re: Update and approval of contract with the State of Nevada Health and Human Services (HHS) Environmental Services Partnership, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that, as of July 2011, legislation was passed that required counties to provide funding for services from the state level. The Legislature reviews these functions and the cost allocation during each session and inter-local agreements were drafted as required. As of Fiscal Year 2014, it was determined by the state that a contract was not required and that the counties just needed to pay the costs to fund the program within the designated area. Based on conversations with Joe Pollock, from the Division of Health and Human Services, it was agreed that a contract is necessary to outline what the charges are and what the county receives for these funds. In previous contracts, we received an annual credit from the state for $1,100 for office space provided. As July 1, 2014, an additional office has been provided to accommodate additional staff working from this area. Based on these changes, the new credit by the state is $2,200 annually.

Environmental Services is the only function that a contract is not required but the function is provided by the state and reimbursed at a not-to-exceed amount of $49,872.88 annually. The functions of the Environmental Services office include oversight of food establishments, sanitation programs, child care facilities, bottled water programs, and meat/poultry activities, etc.

The fiscal impact for Fiscal Year 2014 is $18,468 and a not-to-exceed amount of $49,892.88 for Fiscal Year 2015, which will be paid from the General Fund quarterly, based on actual costs.

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

Commissioner Scharmann made a motion to accept the contract, as indicated by the signature of the Chair, with the Nevada Division of Public and Behavioral Health to provide Environmental Services for Fiscal Year 2015 and Fiscal Year 2016. Commissioner Olsen seconded the motion, which carried by unanimous vote.

8:55 a.m. (G) Consideration and possible action re: Social Services Indigent Updated Guidelines, *Shannon Ernst, Social Services Director.*

Social Services Director Ernst reported that, during the 2013 Legislative Session, changes were adopted to revise Nevada Revised Statutes (NRS) 428. Previously, the statute stated "medically indigent". The word "medical" has been stricken from the statute to just state safety net services shall be provided to indigents. Based on this change, it is required that counties evaluate their revenue structure, definitions, and policies.

A committee of four county representatives was formed through the Nevada Human Service Provider Association to complete the tasks. Churchill, Lyon, Douglas, and Carson have met on a regular basis to outline the overall policy and to define indigent as it would be represented through the rural areas. Other counties may choose to adopt alternative guidelines and definitions as fit for their communities.

Churchill County Social Services asks that the proposed basic guideline and definitions be approved based on content. The next step of the committee will be to update county codes/ordinance to align with the adopted policy.

The Social Services Advisory Committee has been involved in the review of the policy and is in support of the adoption and their minutes were provided to the board for review. This is not an ordinance but has been a recommendation to conduct a first reading and allow for public comment prior to adoption at the meeting.

Chairman Erquiaga asked if there was any public comment but there was none. Chairman Erquiaga asked if she was looking for board approval today. Ms. Ernst said she would like board action to approve these guidelines so they can move forward with the other necessary steps. She wants to make sure that the board is comfortable with this before they move forward. They are looking to define that indigency is no longer going to be based off of that $438. We are looking to align our services and guidelines with the state, so if somebody is eligible for Medicaid, they would not be coming into Social Services to obtain that medical but they could obtain emergency medical services and other services for health and safety, such as cremation, burial, and things of that sort. Individuals that are still at the 138% of poverty can't afford certain items, so these are things we want to align and make sure that it is accessible for the community but, yet, we are recognizing our funding barriers and restrictions as we move forward.

Commissioner Olsen made a motion to approve the Social Services Updated Indigent Guidelines as submitted or revised and to proceed to update Title 2 of the Churchill County Code. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

LETTERS RECEIVED: None.

OLD BUSINESS: None.

NEW BUSINESS:

A. Consideration and possible action re: Resolution 19-2014 which seeks to augment the Fiscal Year 2013-2014 Budget of the Enterprise Funds in accordance with the Nevada Revised Statutes.

A RESOLUTION TO AUGMENT AND AMEND THE 2013-2014 BUDGET OF THE ENTERPRISE FUNDS OF THE COUNTY OF CHURCHILL, NEVADA, AND OTHER MATTERS PROPERLY RELATING THERETO.

Comptroller Kalt reported that Resolution 19-2014 seeks to augment and amend the 2013-2014 budget of the Enterprise Funds of the County of Churchill. The augmentation is to implement changes in the budget due to increases in expenses within the Enterprise Funds. The augmentation is needed to be in compliance with the Local Government Budget Act contained in NRS 354. This is a housekeeping item for the budget (see the discussion for the details of the individual fund activities and related statutes regarding Budget Augmentations below):

NRS 354.598005 Procedures and requirements for augmenting or amending budget.

1. If anticipated resources actually available during a budget period exceed those estimated, a local government may augment a budget in the following manner:
   (a) If it is desired to augment the appropriations of a fund to which ad valorem taxes are allocated as a source of revenue, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources intended to be used for the augmentation. Before the adoption of the resolution, the governing body shall publish notice of its intention to act thereon in a newspaper of general circulation in the county for at least one publication. No vote may be taken upon the resolution until 3 days after the publication of the notice.
   (b) If it is desired to augment the budget of any fund other than a fund described in paragraph (a) or an enterprise or internal service fund, the governing body shall adopt, by majority vote of all members of the governing body, a resolution providing therefor at a regular meeting of the body.
2. A budget augmentation becomes effective upon delivery to the department of taxation of an executed copy of the resolution providing therefor.
3. Nothing in NRS 354.470 to 354.626, inclusive, precludes the amendment of a budget by increasing the total appropriation for any fiscal year to include a grant-in-aid, gift or bequest to a local unit of government which is required to be used for a specific purpose as a condition of the grant. Acceptance of such a grant and

agreement to the terms imposed by the granting agency or person constitutes an appropriation to the purpose specified.

4. *A local government need not file an augmented budget for an enterprise or internal service fund with the department of taxation but shall include the budget augmentation in the next quarterly report.*

The fiscal impact allows the appropriation of additional expenses that were not included in the Fiscal Year 2013-2014 Final Budget as submitted to the Department of Taxation in May 2013. Revisions to the Utility Enterprise Fund in the amount of $500,000 are for additional Bad Debt Expense related to non-payment on Developer Agreements, the Waste Water Enterprise Fund in the amount of $175,000 for additional Depreciation Expense, and $500,000 for Bad Debt Expense related to non-payment on Developer Agreements, and an additional $25,000 in Depreciation Expense in the Golf Course Enterprise Fund. These augmentations, as well as those from CC Communications, will be included in the 4th Quarter Economic Survey sent to the Department of Taxation in accordance with the statutory provisions.

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

Commissioner Scharmann made a motion to approve Resolution 19-2014, which augments the Fiscal Year 2013-2014 budget in accordance with the provisions of the Local Government Budget Act in NRS Chapter 354. Furthermore, directing the Comptroller's Office to include these changes in the next quarterly report (4th Quarter) to be submitted to the Department of Taxation to be in compliance with the applicable Nevada Revised Statutes. Commissioner Olsen seconded the motion, which carried by unanimous vote.

B. Consideration and possible action re: Budget Transfer #01-FY 15.

Comptroller Kalt reported that, in accordance with the Local Government Budget Act, the Comptroller's Office would like to submit to the Board of County Commissioners budget transfer #1 for Fiscal Year 2014-2015. In accordance with the Act, the reason for the transfer and the transfer must become part of the official minutes of the meeting. During the budget hearings held for the Fiscal Year 2014-2015, it was discussed to establish an Indigent Defense Department within the judicial function. The department was not included in the Final Budget submitted to the Department of Taxation. This budget transfer would establish the Indigent Defense Department and transfer in appropriations for the Court Appointed Attorney, Public Defender Costs, Professional Fees, and PSI production reports from the District and Justice Court Budgets into the Indigent Defense Budget. As such, the transfers are to adjust the budget to more accurately reflect the estimated expenditures within the funds, based on needs determined by the various departments. The transfers do not increase the overall appropriations within the various funds.

Chairman Erquiaga asked if there was any public comment but there was none. Commissioner Scharmann asked if this moves that budget from District Court over to the county. Who will oversee this along with Comptroller Kalt? Comptroller Kalt said it will be overseen by the District Court Judge and the Court Administrator will be the primary staff assigned to this.

Commissioner Scharmann made a motion to recommend approval of the budget transfers as submitted and make the transfers part of the official Minutes of the Board of County Commissioners as required by the Local Government Budget Act. Commissioner Olsen seconded the motion, which carried by unanimous vote.

Commissioner Olsen asked, after the vote was taken, if we need to make this motion more specific, as the foregoing motion was fairly vague. Deputy DA Shawcroft said he thinks it would be better if we could make it just a little more specific instead of just "as submitted". Comptroller Kalt said the attachment shows the budget transfer detail.

Commissioner Scharmann made a motion to recommend approval of the budget transfer #01-FY 14-15 pertaining to indigent defense and make the transfers part of the official Minutes of the Board of County Commissioners as required by the Local Government Budget Act. Commissioner Olsen seconded the motion, which carried by unanimous vote.

C. Consideration and possible action re: Request transfer of funds to the Churchill County Road Department for the Sunrise Terrace/Penelope Drive Asphalt Improvement Project and the Golden Parkway Asphalt Improvement Project.

Road Secretary Naomi Clay reported that, at the regular Regional Transportation Meeting held on July 16, 2014, the board approved the following transfers, subject to available funding:

1. Transfer of funds to the County Road Department in the amount of $263,854.22 from Regional Transportation Fund 280 for first and final payment on the Sunrise Terrace/Penelope Drive Asphalt Improvement Project. PRIOR FISCAL YEAR
2. Transfer of funds to the County Road Department in the amount of $235,122.29 from Public Transit Fund 395 for first and final payment on the Golden Parkway Asphalt Improvement Project. PRIOR FISCAL YEAR
3. Transfer of funds to the Equipment Replacement Fund in the amount of $2,469.43 from Public Transit Fund 395 for first and final payment on the Golden Parkway Asphalt Improvement Project. PRIOR FISCAL YEAR

The fiscal impact will be: to the Churchill County Road Department - $263,854.22 – Regional Transportation Funds and $237,591.72 -- Public Transit Funds.

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

Commissioner Olsen made a motion to approve the transfers as approved by the Regional Transportation Commission at their July 16, 2014 meeting pertaining to the Sunrise Terrace and Golden Parkway asphalt improvement projects on two different counts from prior fiscal year funds. Commissioner Scharmann seconded the motion, which carried by unanimous vote.

CONSENT ITEMS (Action items generally not requiring discussion or explanation)

All matters listed under the Consent Agenda are considered routine and may be acted upon by the Board of County Commissioners with one action and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

1. INFORMATIONAL ITEMS –

A. Consideration and possible action re: Nevada Division of Environmental Protection's No Further Action Determination for the petroleum spill/release at Bango Refining in Churchill County, Nevada under Spill Report #131210-02.

B. Consideration and possible action re: Appeal filed by the Western Watersheds Project of the Bureau of Land Management's Grazing Preference for the Argenta Allotment.

C. Consideration and possible action re: Notification from the Nevada Governor's Office of Economic Development of its review of the Public

Building ADA Project and the Access to Health Care Network grants funded by CDBG.

D. Consideration and possible action re: Les Martin provides additional information provided to the Nevada Society of CPAs and 49 RMAC Property LLC related to his complaint against Kafoury, Armstrong and Company.

E. Consideration and possible action re: Bureau of Land Management's 2013 Willow Creek Fire Wildfire Management and Livestock Closure Decision.

F. Consideration and possible action re: Nevada Division of Environmental Protection's request for release/spill information from Clark Builders Group for the Desert Winds Military Housing near 755A Orchard Drive, NAS Fallon, Nevada, that was reported on June 26, 2014.

G. Consideration and possible action re: Letter of appreciation from the Nevada Department of Transportation for the opportunity to present their Annual Work Program.

H. Consideration and possible action re: Nevada Division of Environmental Protection's request for release/spill information from Bango Refining NV, LLC for an oil/water mixture at 22211 Bango Road, Fallon, Nevada that was reported on June 25, 2014.

I. Consideration and possible action re: Letter from Modesta Tiewater related to her concerns with items placed at the Churchill County Cemetery.

J. Consideration and possible action re: Department of Taxation Quarterly Report regarding the county's economic condition for the quarter ending June 30, 2014.

K. Consideration and possible action re: Bureau of Reclamation (BOR) Final Environmental Assessment and Finding of No Significant Impact for the Truckee-Carson Irrigation District, Lewis Wasteway Replacement and Low Head Hydroelectric Project.

L. Consideration and possible action re: Bureau of Land Management's drought related decisions on the Argenta Allotment.

M. Consideration and possible action re: Nevada Division of Environmental Protection's request for release/spill information from Terra-Gen for its Dixie Valley Facility for a lubricating oil release that was reported on July 21, 2014.

N. Consideration and possible action re: Bureau of Land Management's Mule Canyon Mitigation Project Environmental Assessment (EA) analyzing and disclosing impacts of a proposed project approximately 15 miles east of Battle Mountain, Nevada by Newmont Mining Corporate for the Mule Canyon Mine.

O. Consideration and possible action re: Fallon Downtown Merchants Associations Farmer's Market License Agreement for use of the vacant lot by the Public Library.

P. Consideration and possible action re: Audit Engagement Letter from Kafoury Armstrong and Company related to the general Churchill County audit for this Fiscal Year Ending June 30, 2014.

Q. Consideration and possible action re: Letter of Appreciation to Shawn Kohltfarber for his years of service as a member of the Churchill County Planning Commission.

2. **REVIEW –**

A. The Churchill County Social Services Office provides notification of the court's termination of a temporary Guardianship for Ward #12564 pursuant to Chapter 159 of the Nevada Revised Statutes.

3. **COMMITTEE AND DEPARTMENTAL REPORTS –**

A. Treasurer's Report for June 2014.
B. Planning Department's Report for June 2014.
C. Building Department's Report for June 2014.
D. Social Services Fourth Quarter Report for Fiscal Year 2013-2014.

Chairman Erquiaga informed the board that he had been asked to pull Item I from the Consent Agenda for discussion purposes: Consideration and possible action re: Letter from Modesta Tiewater related to her concerns with items placed at the Churchill County Cemetery. Facilities, Parks and Recreation Director Guerrero and Parks Maintenance Lead Claude Parsley were present to address the matter. Mr. Guerrero said they received the letter from Mrs. Tiewater addressing her concerns about removal of items from the gravesites. They want to inform the board about their policy and some of the challenges they have faced and how that can be perceived as an issue for the folks who come out there. They wanted to allow the board to ask any questions the board might have about this matter. Mr. Parsley said, several years ago, the Cemetery decided that, once they picked up everything twice a year at the Cemetery, that they would hold back certain items that could be sentimental or cost worthy. A lot more items have started to accumulate over the past few years that people purchase to place on graves, such as Shepherd's hooks, solar lights, and decorations. When they do the clean up twice a year, they decided to hold back some of these items so people could come back and claim them if they were not able to pick them up beforehand. Over the years, that has become quite a challenge because a lot of things were left behind so, when they are trying to pick everything up, they are taking extra time to save stuff in the shop. It has been nice except that people, over the years, have started to expect them to do that instead of coming by to pick up their own things. They have put ads in the newspaper and on the radio, as well as the signs posted up front that specify the dates of when these items need to be removed. They have told people that they throw everything away that is left behind but they have, in practice, taken it upon themselves to save some of those items for people. Now, more than anything, they get people who come back two months after everything has been cleaned up and expect to find the stuff. These items have been stored in the shop and the people go through the items to find their things, or not, depending on what has been kept. They have no way of knowing what is sentimental to people. He has little wooden crosses that were weather-worn for a year that people want to save that were taken out back. They also used to take everything off and just immediately take it to the dump and dispose of everything. Years ago, they decided that many of the silk flowers could still be used, so most of that stuff is taken out to the back of the property and left at a dump site and, if anybody wants to go through and get any of those recycled flowers to reuse them, they can do that. If there is anything that they missed that somebody might have wanted to save, they can go to the back to look and see if it is still there. They are trying to phase that out because it takes up so much room in their shop that they really do not have room for it, such as glass vases, ceramic knick-knacks that get knocked down and broken, piles of Shepherd's poles that get leaned up against the wall, and that sort of thing. It would be okay if people didn't really expect it but they have found that people have started to expect that instead of removing their items when the scheduled clean ups are posted. They are trying to phase out the fact that they will save anything. He has been telling people who come in to get their things that they plan to stop doing that and informing them that they need to remove their items they want to save. He doesn't know how else they could get the message out to people when the clean ups are scheduled. They have put extra signs up front, they have signs on the front of the office door that specifies the dates when it is done twice a year, and, sometimes, people that come back to get their things that are gone are unhappy, as they spent money on the items. The only thing he can tell them is that he is sorry and ask them to be more responsible by removing those items before it is time to remove the items. The clean ups are always done a week after Memorial Day and a week after New Year's Day every year.

Mr. Parsley said he knows Mrs. Tiewater because, over the last five or six years, she is one who comes back expecting to get her items several months after they have done the clean up. He understands her concerns that she could not find her items this year but, unfortunately, they had some help picking things up and sometimes the people who help do not know exactly what to keep because there is no official process. This is something that they have just done to help people out but it is becoming more of a hassle than anything else for the staff. The reason they remove everything twice a year is because everyone brings items out for Memorial Day and they are unable to get the work done with all of the items placed at that time. There is way too much stuff and it prevents them from mowing or weed eating, so they have to remove it and be able to start fresh. After New Year's, everything is again removed, as people bring Christmas decorations, Halloween decorations, fall decorations, and that is the only time they will come out for six months and the stuff is just left there. You end up with rotten pumpkins and Christmas trees, so it is just easier to go in and clean it up again and start fresh. They only remove everything twice a year, when many cemeteries do a weekly removal or a monthly removal. Other than the twice yearly removal, they only remove whatever is dead or weather-worn more often. The twice removal is important because it is the only time they can actually go through and get everything cleaned up and start fresh all over again.

Chairman Erquiaga asked if those dates are posted somewhere. Mr. Parsley said they have two signs outside the fence, one on each side where you come in, about a month before the clean up, and he will write in the dates when everything must be removed and the date that everything can be put back on. They also have a sign on the office door that states it is done twice a year and to ask for specific dates. The specific dates are posted about a month before they do a cleanup but the actual date changes every year, so they can't have something that specifies a date. Mr. Guerrero said it will always be the week after Memorial Day and the week after New Year's Day, so that doesn't change and people can figure it out for themselves but they also post the actual dates. Since this has happened, they have also discussed doing more signage and posting it on the roadway so that, when people drive in, they can see it. They are also putting together a trifold brochure that will be given to everybody that buys a plot or has a service, which will list the dos and don'ts and which will list when they will conduct the removal of items. It is only done twice a year, so it gives them plenty of time to come back out and get their things. A majority of the people who come out are from out of town but come to visit and leave their stuff and then they don't come back until six months later or the next year.

Mr. Guerrero said another issue is that the wind blows hard around here and, if you look to the east of the Cemetery, you will see flowers and other things out in the desert. The residents in the area also get things blown into their yards. They are trying to be as fair as possible. After the initial pickup, they have another 6 months to bring their stuff out and leave it on the gravesites.

Chairman Erquiaga said he called Mrs. Tiewater, who was not home at the time. He spoke to a man, who may have been her husband but he does not know. They discussed the matter and he asked the man what resolution they wanted from the board. Basically, they wanted to make the board aware of the situation. He knows they are concerned that maybe, with scrap metal prices and things like that, people were taking things they shouldn't be taking. He does not know if that is a possibility but probably not.

Mr. Parsley said that Mrs. Tiewater hinted, when she came out looking for her things, that maybe some of the Cemetery employees were taking these items. He assured her that they had Shepherd's poles in the office that had been there for 6 months, which had not been claimed. They had wrought iron crosses that people had made, which had been removed and were still sitting in the shop. He explained to her that they had no interest in taking the Shepherd's poles and doing anything with them. They take them, set them aside, and, if people claim them, they claim them. If 6 months go by and they have to again pick things up, they take everything that was left over from 6 months ago and take it to the dump site. If it is left over out there and people want to claim them, they can do that because it is left open to anybody. They could take the stuff straight to the dump but, if somebody can get some use out of the silk flowers or a Shepherd's pole that nobody has claimed in a year, that could be done.

Chairman Erquiaga said it is not even possible for them to know who a Shepherd's pole may belong to. He thinks they have attempted to be sensitive to the needs and he realizes that they have a job to do. Mrs. Tiewater's letter will be noted in the Minutes.

Commissioner Olsen asked if the policies they have been discussing have all been vetted through the Cemetery Board. Mr. Guerrero said they have and are included in the Cemetery Regulations, which have been there for years. This item has been addressed and discussed before on the board. They feel they are being fair and that is why they added more signage in an attempt to get the word out. As was mentioned, they have placed ads in the newspaper. It is more about the folks who come from out of town and there is no way of notifying them, other than when they purchase a plot or have a service by giving them information so that they know if they want their stuff back, then maybe they could get a family member who is in town or come back into town to get that stuff. Mr. Parsley said he would imagine, as they phase out keeping everything, that there will be more complaints and possibly more letters where people are upset that their stuff isn't there anymore but they just can't continue to be a storage facility for stuff that has been removed from the gravesites. Mr. Guerrero said their hope is that people will begin to understand and then come to remove it on their own and take the initiative and responsibility.

Commissioner Scharmann made a motion to approve the Consent Agenda as submitted, noting the discussion on Item I. Commissioner Olsen seconded the motion, which carried by unanimous vote.

Mr. Guerrero said he wanted to remind the board that we have one of our most historic events happening this weekend with the ESPN fights at the Fairgrounds. It is not every day that you have ESPN come in to televise an event. He thinks it is pretty neat how the fights are coming together. Chairman Erquiaga said he thinks it is interesting how we are being mentioned on the news so much over these fights.

CONSIDER FUTURE AGENDA ITEMS – None.

COMMISSIONER REPORTS:

CHAIRMAN ERQUIAGA: Chairman Erquiaga said, on the 16th, he went to Carson for a Carson Water Subconservancy District meeting.

On the 21st, he participated in the Museum Board meeting. Bob Getto is making a real effort to get everybody together on that board and get things moving in the right direction.

On the 22nd, the biweekly staff meeting was held with administrative staff of the county. On the 23rd, the Employee Management Committee BBQ was held out back. He was able to flip some burgers and it was a lot of fun. He enjoyed seeing all of the employees who participated. He thinks they had pretty good participation.

On the 25th, he met with Peter Ronza of Pontifex for a little while where they discussed the ongoing wage and compensation study.

He was on a conference call with Senator Heller's staff on the 28th regarding the proposed sage grouse/wilderness/economic development bill. Eleanor Lockwood, Greg Tanner, and Terri Pereira were also on that call. Their staff is trying to keep us informed and trying to be sensitive to our concerns. They seem to feel that the bill will advance, although he is not sure how soon that will occur. It was a worthwhile conversation.

On a personal note, on the 27th through the 30th, he went to Disneyland with his family. He actually took that phone call in front of a California adventure. He had a great time with the grandkids.

On the 1st, he went archery antelope hunting and got his antelope.

COMMISSIONER OLSEN: Vice-Chairman Olsen said, on the 18th, there was a discussion on the Reid/Heller bill with NACO. His takeaway from that discussion was that there really had been nothing that the rural areas had put forward that had been taken into account, although they crafted the bill to buy off Washoe County and the Washoe County Commissioners had passed approval of the bill. The bill has portions of it, as he understands it, where Washoe County will get lands given to them that are adjacent to the community. It is a little upsetting that they could be bought off so easily. He knows they are pushing forward to try to get this thing done but he doesn't see how it is going to help the rural areas or the bird. It is just a wilderness grab. One of the things that came out of the discussions there was that every area that they are proposing as wilderness has already been reviewed by the BLM or Forest Service and has been previously rejected as not suitable for wilderness and, yet, they go forward. It is a very frustrating process to see it continue on. Commissioner Scharmann said it is not all habitat for the bird, either, is it? Commissioner Olsen said a good deal of this is goodies to get people bought off so that they will go for it. Chairman Erquiaga added that, in Churchill County, what they will be proposing are two wilderness areas, one in the Job's Peak area in the Stillwater Mountains and one in the Desatoya Range. There is no question that there is occupied sage grouse habitat in the Desatoya Range. There are some pretty extensive leks but that is not the case in the Stillwater Mountains.

If there were ever any birds there, it has been 100 years ago. Hammy Kent is gone and he would be the only one who would remember ever seeing a sage grouse there. That was brought to their attention and Greg Tanner suggested that we ask them to provide documentation showing that it will benefit the bird, which, of course, they cannot do. The hope was that they would then go to the Department of Wildlife and they would not be able to provide that either. They basically just blew us off on that aspect. Commissioner Olsen said it is frustrating to not be listened to. All of the recommendations of coming up with some alternative designation where it could be temporary and allow access in order to improve the habitat and do all of those things, for something other than wilderness because that is the worst thing you could do for the bird, have been met with deaf ears. It is a total blow off to the rural areas.

On the 19th, he attended the Farm Bureau picnic at Norm and Sue Frey's, which was well attended. There must have been 150 people or more.

The next morning, he and Tami took a vacation for two weeks. They used their airplane and flew from here to Wisconsin and back. It was a heck of an adventure. They want to do it again someday.

He wanted to point out, since he assumes the Commissioners got the same information that Eleanor did about the U.S. Fish and Wildlife Service and the Senators' bills, that the Forest Service had a finding that they do not have to listen to private property owners' concerns and that they only have to take into account any of their findings of other federal agency concerns. They put a bill in to say that they must take into account private property owners' concerns, as that should be tantamount and superior to federal agency concerns. It is an insane world we are living in right now. Private property is the foundation of our democracy and the fact that a person has confidence that what they own is theirs and they can use it without the government taking it away from them.

Finally, a wonderful thing happened to his family. He had a new grandson born two days ago. His name is Wiley Clinton Neal, who was born to his daughter, Holly, and her husband, Chris, at Saint Mary's Hospital. Chairman Erquiaga said he had heard that and his wife asked him if he knew the baby's name. Commissioner Olsen said it an old family name on their side of the family. He was 8 pounds, 2 ounces, and was 21 inches long. He is big and healthy.

<u>COMMISSIONER SCHARMANN:</u> Commissioner Scharmann said, on July 23rd, he attended the Fallon Youth Club Board of Directors meeting, dealing mostly with fundraising. August and September is a big fundraising period for them. The big fundraising dinner is coming up on September 20th, if his memory serves him correctly.

On July 24th, he attended the Hospital Board meeting, which is probably John D'Angelo's last meeting. That went well.

He attended the Nevada Division of Water Resources meeting in Lovelock on the 28th. That was a very interesting meeting. He is probably the one Commissioner who knows the least about the water issues. He is just trying to get more information and he knows that we are not touched by the Humboldt River but he thinks that their concerns are very similar to ours, being at the end of the river. First of all, it was not only a well managed meeting by the administrators but the people in Lovelock are, in many cases, outraged with the upriver use and lack of water and so on. They were just so polite, professional, courteous to these folks, and they wanted to make sure that people knew that they have major concerns that are affecting their livelihood but they were not going to act like savages out here. He thinks the meeting was handled very, very well. There were a lot of people.

On July 30th, he attended a meeting with Frank Woodliff and some of the folks who are on the Senior Center Coalition Board of Directors and they looked at a tentative plan for a new Senior Center. They are planning to come before the Commissioners and City Council to look at this plan and to talk about some things that Social Services Director Ernst talked about today, which is the CDBG grants for Fiscal Year 2016. Hopefully, the City of Fallon and Churchill County will be able to come together with that. This board will hear that presentation probably in October. They want to make sure that this board and the City Council are up to speed and know exactly what they are trying to do.

On August 1st, he got in the first little plane he has been in for about 30 years, which was flown by Bill Slentz over the valley with Senator Mo Denis and Eleanor Lockwood. That was a great experience. He had a chance to meet Senator Denis and talk to him about some of the issues. Comptroller Kalt was handling and dealing with the folks on the ground, as far as answering questions, making presentations, and showing them around town. After the flight, which was short, they met in Bill's hangar and sat down to talk about some of the issues for rural Nevada. He focused his discussion on the educational issues that school districts and community colleges are going through. Comptroller Kalt focused more on the economic development and budget issues that we are dealing with. He thought it was really a good meeting and he enjoyed visiting with Senator Denis and his wife.

On August 5th, he met with President Chet Burton of Western Nevada College and his Vice-President of Academic Affairs, Bob Wynegar. Bob Clifford, as Chairman of the Restore Our College Campus Committee (ROCCC) was also invited to lunch to meet with them. They talked about the Fallon Campus and their efforts to try to re-energize Western Nevada College with their jump start program of a high school and the use of the annex building here at the county administrative complex. They are hoping to continue to use that annex for the nursing assistant program and the EMS program, with the thoughts of trying to reinstitute a full-fledged Associate's Degree nursing program in the near future. He told them that he would talk to the county about supporting the use of that annex but he really wanted them to work with the county, city, and Banner Churchill Community Hospital over this next year to make a determination on whether or not bringing the nursing program back to Fallon is feasible and to see if we can get this done and not just talk about it over a period of 5 years or something. He asked them to put a timeline on this study over the next year and, if it is feasible, to announce it to students in the fall of 2015 so that they can start getting the prerequisites and preparing so that we can initiate the restart of the nursing program by the fall of 2016. They thought that that was a pretty good plan, so that is what we are hoping can happen.

He also submitted his request to be placed on the National Association of Counties (NACo) education and human services national steering committee, as there is nobody from Nevada on that board. He talked to Eleanor Lockwood about that a little bit and said he would be interested, so we will see if anything comes of that. He is headed to Mt. Rushmore this afternoon.

Chairman Erquiaga asked, with regard to the Banner CEO, was that just a corporate turn and John is not leaving Banner? Commissioner Scharmann said John is moving to another hospital in the Banner Health organization and this gentleman is being brought into the Banner organization but has not been working for Banner. He thinks they have been really pleased with D'Angelo's work and he is sorry to see him go. He hasn't met the new CEO yet.

<u>COUNTY MANAGER LOCKWOOD:</u> County Manager Lockwood was absent but provided a written report.

CLERK/TREASURER HELTON: Clerk/Treasurer Helton was not present but Deputy Clerk Moore reminded the board that the first installment of taxes are due August 18th.

On a personal note, she had a great week, as well, because her daughter, Kelsey, had a daughter, Brynnlee Jayde Moore, on the 4th. She was only 6 pounds, 8.5 ounces, and 18.5 inches long, so she can't wait to get her and Wiley together and see what they look like. The next day was when her nephew, Chris Neal, and his wife, Holly, had their son, Wiley. It has been a fun week for the family.

CIVIL DEPUTY DISTRICT ATTORNEY SHAWCROFT: Civil Deputy District Attorney Shawcroft had no report.

COMPTROLLER KALT: Comptroller Kalt provided a written report, which included a financial update for Fiscal Year 2014 as of August 5, 2014. The interim work for the audit went well. The revenue from sales tax is up, in spite of taxable sales being down 34.8% but, as the board knows, with the tax abatements provided for the two economic development projects, that is somewhat misleading information.

He reported that Kari Maffi, from his staff, accepted a job with Fallon Auto Mall. She will be working with Sean Richardson, who was also part of his staff, so we have become the training ground for the accounting staff at the Fallon Auto Mall. He wished Kari all the best in her new job and tomorrow will be her last day. He invited the board to stop by and wish her well today, if possible. She will be missed and the position will be gapped per policy and then they will proceed with recruitment.

PUBLIC COMMENTS

Chairman Erquiaga inquired if there were any public comments on issues that were not listed on the Agenda but there were none.

CLAIMS AND PAYROLL TRANSMITTALS

The claims and payroll transmittals submitted for this meeting were reviewed and approved.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 10:46 a.m.

APPROVED: ______________________
Carl Erquiaga, Chairman

APPROVED: ______________________
Pete Olsen, Vice-Chair

APPROVED: ______________________
Harry Scharmann, Commissioner

ATTEST:
Kelly G. Helton, Clerk/Treasurer

Pamela D Moore

Pamela D. Moore, Deputy Clerk of the Board