

# MINUTES OF THE CHURCHILL COUNTY BOARD OF COUNTY COMMISSIONERS

155 No. Taylor Street, Suite 145  
Fallon, Nevada  
21 May 2008

## 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 Chairperson Washburn.

PRESENT: Gwen Washburn, Chairperson  
Lynn Pearce, Commissioner  
Norm Frey, Commissioner  
Arthur Mallory, District Attorney  
Alan Kalt, Comptroller  
Kelly G. Helton, Clerk of the Board  
Pamela D. Moore, Commission Secretary

ABSENT: Brad Goetsch, County Manager

Pledge of Allegiance

It was verified that the agenda for this meeting was posted in accordance with NRS 241.

## ACTION ITEMS

### AGENDA

Chairperson Washburn reported that the 2:40 p.m. appointment for the special meeting of the Highway Commission has been withdrawn and will be heard at the Highway Commission's regular meeting on June 5th. Additionally, Old Business Item A has also been withdrawn.

**Commissioner Pearce made a motion to approve the Agenda as revised.**

**Chairperson Washburn seconded the motion, which carried by unanimous vote.**

### MINUTES

**Commissioner Pearce made a motion to approve the Minutes of the regular meeting of May 1, 2008 as submitted. Chairperson Washburn seconded the motion, which carried by unanimous vote.**

### PUBLIC COMMENTS

Chairperson Washburn inquired if there were any public comments on issues that were not listed on the agenda. There were none.

### APPOINTMENTS

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

### Consideration and possible action re: Banking Services Agreement with Wells Fargo Bank, Patrick Folley, Wells Fargo Bank.

Kelly G. Helton, Churchill County Clerk/Treasurer, was present with Patrick Folley and Lynn Heislein of Wells Fargo Bank. Clerk/Treasurer Helton said we are nearing the end of our banking agreement with Wells Fargo. The Banking Review Committee met to go through the proposal that Wells Fargo submitted. She then turned it over to Mr. Folley to explain what will happen.

Mr. Folley said that Wells Fargo Bank is very proud to provide banking services to Churchill County and CC Communications. It has been a very successful relationship for many years. They consider this a team approach in how they work with the County. In looking at new products that are coming on line with the banking system, image processing to electronify all of their processes, they worked with the Clerk/Treasurer's office to come up with ways for Wells Fargo to pass their savings back down to the County. In their proposal, they submitted opportunities to do an image processing of checks deposited to electronify the image and capture of information that goes to the bank, as well as coming from the bank back to the County. In particular, they are working on desktop deposit solution, which images all checks deposited and staff will not need to run to the bank anymore to make deposits as it is done electronically. They are also looking at opportunities of capturing information coming in for the communications area so that staff is not having to key in the data that comes in but it will be handled electronically with a direct upload into the system. By this ability to move forward with that, they reviewed their pricing with the new proposal and offered a reduction of 43% from where we were at about one year ago. There has been a significant adjustment in their pricing structure. Going forward, they will continue to review so that when they add new opportunities that reduce their cost, they will work with the County to implement the new fee structure going forward. He said they truly appreciate this opportunity and enjoy their relationship with all of the County staff.

Chairperson Washburn said she sat on the committee where her questions were answered. Commissioner Pearce said a 43% reduction is incredible and it is nice to see the bank going down in fees when everything else is going up.

Comptroller Kalt said that in addition to the reduction in fees, their proposal provided for an additional earnings credit on monies invested overnight in the sweep account. They use a 91 day t-bill benchmark and they are adding additional basis points to that. That is something that we have not seen in other proposals by other financial institutions. He complimented Wells Fargo Bank for coming up with innovative solutions to help us reduce our cost. It shows the strength of our partnership.

Mr. Folley said at this point in time with rates being at the lowest level they have been for many, many years, it is a very difficult situation for compensation to the bank to have balances that sit at an earnings rate that is so low, in the 1% level, so in order to make it more effective for the County, they added an additional 40 basis points, which is a 40% increase at this point. When rates go up, that will still be applicable and will help to support the County in the compensation portion of the contract.

Commissioner Pearce said this is an outstanding proposal and he applauded Wells Fargo as well because this looks really good. Chairperson Washburn said she sat on the committee and was in on the discussions and this looks like a great proposal.

**Commissioner Pearce made a motion to approve the recommendation of the Banking Review Committee granting a two year contract with a three year renewal option with the pricing as outlined in the May 6, 2008 Consolidated Banking Services Request for Proposal by Wells Fargo Bank for the fiscal year beginning July 1, 2008 for Churchill County and CC Communications. Furthermore, authorizing the Chair and Clerk/Treasurer to sign any necessary contract documents upon approval by the District Attorney's Office. Chairperson Washburn seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Resolution 06-08, a resolution revising fees for business licenses in Churchill County, Eleanor Lockwood, Planning Director.**

Planning Director Lockwood reported that Churchill County established a fee schedule for business licensing in 1999. The county code states that the fees shall be established from time to time by resolution of the Board of County Commissioners. The fees as established do not cover the costs of administration, enforcement, and inspections that are to be conducted annually for commercial locations. The proposed increase represents a small change in the overall cost of a commercial business license as shown in the attached Business Impact Statement. The business license administrator has researched local jurisdictions, held a public meeting, and requested all business owners to respond to a notice that was mailed regarding the proposed increase in the commercial business license fees. A total of 756 letters were sent as stated in the Business Impact Statement. Businesses stated that they liked the flat fee schedule better than the gross revenue based schedules used by some other jurisdictions because the fees are the same for every business regardless of their gross or actual revenue. The City of Fallon and Washoe County base their fees upon gross revenues, and the City of Fernley bases its fees upon the number of employees a business has. Fallon's fees range from \$50-\$300 per year, and Washoe County's fees range from \$75-\$655 per year. Fernley's fees range from \$75-\$1,200 per year. A copy of the only written response to the general mailing they received was attached for review. Other responses are noted in the Business Impact Statement. The Planning Department received one letter in opposition to the increase from Carey Transport.

Chairperson Washburn said she likes the way this has been done and thinks that smaller, more frequent increases are better than waiting too long and then having to make a huge increase. She thinks that by leaving the fee structure the way that we have it encourages business growth within the County. She complimented the Planning Commission for a job well done and as long as it covers the County's administrative costs, then she thinks it is set where it should be.

Commissioner Pearce said he thinks it is very supportive of business development in the County. He can't believe that this last happened 10 years ago because it seems like just a couple of years ago. A 2.5% increase per year for 10 years is not pricing anybody out at \$125 per year. Quite frankly, as a business owner himself, he likes the flat fee as long as we take care of the cost of administration. If we need to revisit the fee schedule every few years, he agrees with the Chair that small increases every few years is better than a large increase and this is a small increase.

Planning Director Lockwood said it is very hard to determine what the true administrative costs are associated with business licenses. The Planning Department has made a real effort to improve the efficiencies for business licenses and have improved making sure that those doing business in Churchill County are getting a business license. She thinks that, on the other side, the fees associated with making sure that people are in compliance with Churchill County Code, there is a significant cost associated with code enforcement and they are making a tremendous effort to increase the fees for fines and other costs associated with that. They have made a determined effort in the last 6 months to make sure that those in violation who have outstanding fees and fines are paying those in a timely manner.

**Commissioner Pearce made a Motion to approve Resolution 06-08 revising the business license fee schedule. Chairperson Washburn seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: W. Bruce and Barbara D. Lewis Parcel Map (TCID #08-009, Lone Tree Road), Eleanor Lockwood, Planning Director.**

Planning Director Lockwood reported that the Lewis' are dividing a 19.97-acre parcel into a 10.65-acre parcel and a 9.32-acre parcel on Lone Tree Road in the A-10 land use district. An administrative variance was received for the parcel size for the 9.32-acre parcel due to buildings and irrigation facilities. The Planning Commission voted to recommend approval of this map.

**Commissioner Pearce made a motion to approve the parcel map for W. Bruce & Barbara Lewis (TCID#08-009, Lone Tree Road) subject to all provisions of Churchill County Code, including water right dedication.**

**Commissioner Frey seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Final Subdivision Map for Sand Creek Subdivision Phase II (TCID #07-099, Big Horn Drive), Eleanor Lockwood, Planning Director.**

Planning Director Lockwood said that the green area on the overhead map shows the full extent of the Sand Creek Subdivision and the multi-colored area shows this small Phase II. This is a fairly small phase that is moving forward but they hope that some construction will occur within the next 18 months or so. This is a subdivision as opposed to a planned unit development. A subdivision creates lots that are within compliance with the underlying zoning so staff does not provide notice to surrounding properties. However, staff is proposing as the planned unit developments start to move forward, because they were approved 3 years ago, to provide notice to everybody that was provided notice during the tentative map. Within the next couple of months, the board will have the first phase of perhaps the Willow Park PUD and the Sage Springs PUD and they will provide notice to surrounding property owners. Due to the fact that this tentative map was approved some time ago, staff has included in the Agenda Report what was approved with the tentative map to keep the board focused and to remind them of all of the future infrastructure requirements on and offsite that will be required. The Planning Commission voted unanimously to recommend approval of this map, subject to the conditions outlined in the report. She also provided one further note on Wild Cat Parkway, which will be the major through road that goes from Birch Lane up to Casey Road. She depicted on the overhead map where there is no change in the alignment as it comes down to Birch Lane. However, when the lift station was placed, it was placed right next to the proposed easement for Wild Cat Parkway so they have worked with the developer and Lumos and Associates and determined that as Wildcat Parkway approaches the intersection with Birch Lane it will need to be moved 5-10 feet to the east to make sure that the sight distance to the west is not impaired. We do not want there to be any interference because there is a house located on the one lot and they do not want any interferences for sight distances down Birch Lane. For the record, they are requiring that realignment of Wild Cat Parkway as phases on Sand Creek move forward.

District Attorney Arthur Mallory inquired if we have a fixed time for that. Planning Director Lockwood replied that we do not have a fixed time because we are not sure how large each of the phases will be. Wild Cat Parkway will be important not only for this subdivision but more importantly for the Willow Park subdivision that is south of Birch Lane. What they will do is, as Sand Creek continues to develop, if Willow Park then comes on board, they will, after a couple of phases of Willow Park, look at the traffic patterns and determine at what point in time sufficient impact is being provided that Wild Cat Parkway needs to go in. District Attorney Mallory asked if we have reserved the right to do that with the property owners and if they fully understand what we are doing. Planning Director Lockwood replied that that is correct and it is contained both in the conditions of approval of Willow Park as well as Sand Creek, whereby it was stated that after a certain time it was subject to further recommendations of the Road

Department and that at a certain point in time we would take traffic counts along Birch Lane to see what the traffic patterns are.

Commissioner Frey said it seems to him that these types of little adjustments are going to be necessary and we will probably see them in almost any map that we work with as things develop. You just don't catch everything perfectly on the first go through.

Commissioner Pearce referenced the little street that talks about an existing line of pavement and comes off of Elizabeth Parkway and will run over to Wild Cat Parkway and asked what that is. He asked if it has a name. Chairperson Washburn said it doesn't appear that the easement is even wide enough for a road. Planning Director Lockwood replied that it will probably have a name but when they first developed this, they didn't know what the phasing schedule would be so she thinks they put in a phasing schedule up above only because Big Horn Drive was being developed originally. She thinks that is a short through street with lots being along Wild Cat Parkway but she is not sure at this point in time because she doesn't think we want too many exits onto Wild Cat Parkway so they may have to change that. Commissioner Pearce asked if it would be a little cul-de-sac or something to which she replied affirmatively.

**Commissioner Frey made a motion to approve the final subdivision map for Sand Creek Subdivision, Phase II (TCID#07-099, Big Horn Drive) subject to:**

- **Approval by County Engineer of improvement plans for water, sewer and streets.**
- **Construction of all improvements to County standards and requirements of the County Engineer and Road Supervisor or submittal of a performance agreement and security approved by the District Attorney's office guaranteeing that the developer will complete all improvements within a time period recommended by the County Engineer.**
- **Compliance with all state regulations and approval by Nevada Division of Water Resources.**
- **Compliance with all state regulations and approval by Nevada Department of Environmental Protection, Bureau of Safe Drinking Water.**
- **All provisions of Churchill County Code.**

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

**Consideration and possible action re: Approval of Transfer of 2008 Private Activity Bond Cap Allocation to Nevada Rural Housing Authority, Gary Longaker, Executive Director of Nevada Rural Housing.**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHURCHILL COUNTY, NEVADA PROVIDING FOR THE TRANSFER OF THE COUNTY'S 2008 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO.**

Gary Longaker provided a handout to the board, which he presented regarding their accomplishments and current projects. He reported that Nevada Rural Housing Authority (NRHA) has been making presentations to all Nevada counties and eligible cities seeking their allocation of the private activity bond cap (portions that have not been allocated to local projects) that otherwise would revert to the state. NRHA will pool the transferred funds with transfers

received from other counties and eligible cities for single-family tax-exempt bond issues to assist first time homebuyers to purchase a home. The program will provide at least four points of down payment and closing cost assistance in the form of a grant.

NRHA has implemented three tax-exempt bond programs: \$10 million in 2006; \$23 million and \$50 million in 2007 that have thus far helped over 300 rural Nevada families purchase their first home. These programs have also generated \$2.5 million in down payment assistance in the form of grants. By the completion of the \$50 million dollar program, will have helped over 400 families.

Each March or April Nevada allocates half of the state's private activity bond cap allocation to the counties and eligible cities, based upon their population. Private activity bond cap allocation can be used to fund the issuance of tax-exempt debt for industrial development bonds, pollution control facilities, single-family or multi-family programs. Unfortunately, the allocations the jurisdictions receive is not enough, by itself, to fund a project of any kind. In order for any jurisdiction to make use of its funds, they must apply to the state for matching funds. If they don't have a project, the funds revert back to the state for redistribution in October.

NRHA has developed the concept of asking all participating jurisdictions to transfer their funds to NRHA if they have no specific uses for their funds so that NRHA may pool all the funds, do a single-family tax-exempt bond issue, with the proceeds being lent in each of the participating jurisdictions. That way funds meant for a city or county are spent in the city or county for first time homebuyers.

NRHA feels this concept is truly a win-win-win for all parties. Funds meant for the communities are spent in the communities. Eligible homebuyers are assisted in buying their first homes. The programs are not in competition as it is local lenders who loan the funds, local realtors who sell the homes and, if newly constructed, local builders who provide the housing. Further, the community's tax base is increased. The participating jurisdiction incurs no liability for the transfer of the funds, and no liability for the bond issue.

Comptroller Kalt said the brochure shows the maximum income and maximum home values and lists various counties but he noticed the weatherization program and asked if they service Churchill County with that program. Mr. Longaker said it is not available in Churchill County through them but it is available through the Rural Nevada Development Corporation for this area. He said that they hope to bring the 523 program to Churchill County because they think this is a very good market for it. The weatherization program may be available from them in the future with the success they are having now.

Chairperson Washburn said as a board member for NRHA, this has been very exciting for them. It seemed like such a big step in the beginning. When you look at the numbers and how many people have benefited, it is wonderful, especially in light of the money we lost out on for that 10 year period. She recommended that this Resolution be approved again.

**Commissioner Frey made a motion to approve Resolution 12-08 providing for the Approval of Transfer of 2008 Private Activity Bond Cap Allocation to Nevada Rural Housing Authority. Commissioner Pearce seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Approval of Question 1, Round 8, application from the City of Fallon for a New River Business Nature Trail, Erica Behimer, Executive Director of Lahontan Valley Environmental Alliance.**

Erica Behimer reported that the City of Fallon applied for a Question 1, Round 8, grant for the New River Business Nature Trail. The City of Fallon would like a letter of support for the project application to Nevada State Lands, Kevin Hill. The project consists of enhancing the already existing trail at the New River Business Park to include benches, tables with shade structures and other signage amenities. The projects total cost will be:

TOTAL PROJECTED PROJECT COSTS:	\$72,183.00
Total Funds requested from Question 1:	\$41,200.00

The City of Fallon is not requesting financial support from Churchill County. This grant application simply requests a letter supporting this public access/open space project. The City also plans to install some exercise equipment like the equipment they have placed at other city parks. The City is using the cost of the existing asphalt trail with a base underneath as their match and then using \$1,350 of match for installing the pieces of equipment, as well as the concrete slabs under the tables.

Comptroller Kalt asked who will administer this grant. Ms. Behimer replied that the money will be going through the City, the City will make all of the purchases, and LVEA is making the application much like the Sand Mountain project. Comptroller Kalt verified that she is only seeking a letter of support. She said that is correct.

Commissioner Frey said this sounds like a good project and something that the City already has underway and he is in favor of offering our letter of support. Chairperson Washburn said this is a good project and goes right along with that business park development they are doing. The business park is looking very nice and this will be a great addition to it.

**Commissioner Pearce made a motion to send a letter of support for the application from the City of Fallon for the Question 1, Round 8, program for the New River Nature Trail. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Presentation by Lahontan Valley Environmental Alliance (LVEA) of its 2007-2008 accomplishments and future goals, as well as reports on other working groups including Sand Mountain and LVEA. A request for final payment for LVEA for the 2007-2008 fiscal year will be made in the amount of \$5,250.00 completing the \$30,000.00 contribution.**

Executive Director Erica Behimer reported that since the last report, the Sand Mountain Blue Butterfly working group is still active and the signage and trail markings are now 75% complete with the Question 1 application, with only a few signs and a kiosk to be completed. She had a picture of the trail from Sand Mountain taken by the BLM. There are some safety concerns on the back part of the trail because when you go up this hill and hit the other side, you can't see who is over there (maintenance workers, other users, etc.) so BLM closed that portion and moved it around. Some of the groups, including Friends of Sand Mountain, did not agree with that change as it wasn't in the initial plan. For safety reasons, that was BLM's decision. Ninety percent of the working group agreed with the BLM plan. That project should be completed by December 31, 2008. All reports from the County Manager's office and all other groups involved report that it should close and be completed as scheduled.

The Carson River working group is also still active and was set up to get applications to submit to Question 1 for the specific Carson River monies. No projects were submitted with Round 8. Carmen Bell has expressed interest to submit her properties for a conservation easement and she is working with Stu Richardson of the Newlands Water Protective Association

to submit her application. She made appointments with Carmen, Kevin Hill and Jon Paul Kiel of Question 1 to help her determine what she wants to do and to try to get her to take action. The working group hopes to get an application submitted to clear the Carson River at the Lovelock Highway/Carson River area to a little past Bafford Lane. Joanne Hanks from Lahontan Conservation District has also applied for an application through the CWSD to clear and replant so that is an area that will be worked on in the future.

The Carson River Days was held at Fort Churchill on May 10<sup>th</sup> and the Newlands Project Mobile Museum is out again for its summer tour and that was one of the first locations the museum went to. It is scheduled for 4 Fallon Farmer's Markets and Fernley is deciding whether they want to bring it in. She thinks this is an ideal time for Fernley to bring the museum into their community in light of the breach that occurred in the Truckee Canal in January. It could educate some of the people who do not know the benefits of that canal. They have an artist volunteering to paint the side of the museum with signage and a basic mural. She will do both sides of the museum for just the cost of the paint being supplied from the Newlands Project fund. They have a proposal written up for the Boys and Girls Club to hold some "Make a Splash" activities with them this summer and they hope to get in with SUMFUN to see if they want to do some "Make a Splash" activities. Those are child-student activities to help with natural water resource education. They do that a lot with the Carson River Days out at some of the ranches with another group of kids.

They completed the National Ag Day and Small Farmer's Conference in March, which had a good reception. There were not as many registrants as they wanted but they were able to pay the bills and ended up with another \$1,500 scholarship for next year. This year Ashley Wolf received the \$1,500 scholarship and she will be attending school at Western Nevada College and later transfer to UNR into an agricultural related field of study. The Farm Festival is scheduled for the fall with a harvest festival theme. Another thing that came out of the Ag Conference is that 4 small Fallon farmers will participate in the Fallon Farmer's Market to sell their products at the market.

Chairperson Washburn said that the board had previously talked about the use of the space at the Farmer's Market that is provided to the County for their donation. She asked if LVEA had been notified that they could use that space. Comptroller Kalt replied that he sent a letter with our sponsorship indicating that we wanted to allocate our space to various nonprofit groups associated with the County. He has not heard back from the Farmer's Market folks but he will follow up on that. He told Erica if she had some specific dates that her group would be there, if they were going to be charged a fee for that space we would rather have them use our free space and we could allocate that for those dates. Erica said she had not received notification of that and they have already bought a sponsorship for the museum to be at 5 markets because they were due on the 15th. Chairperson Washburn said the board's thought was that for those days that they could not go because of money that they could utilize the County's free space for those other times. She said that we should follow up on that.

**Commissioner Frey made a motion to award the final payment for the 2007-2008 year in the amount of \$5,250.00 completing the \$30,000.00 contribution.**

**Commissioner Pearce seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Approval of the agreement between Churchill County and the Churchill County School District for the school bus lease for the SUMFUN program, Jorge Guerrero, Director of Parks and Recreation.**

Jorge Guerrero reported that Parks and Recreation is requesting permission to renew the lease with Churchill County School District for 1 bus to be used for transporting campers to designated field trips. They will be using the bus from June 2 to August 22 on Thursdays. The only change is that he wants to streamline this process, which they do 2 times per year and it is the same agreement, so he is asking that the County Manager be authorized to sign unless there is a major change.

District Attorney Mallory said he would need to research that because of the liability issues and in using capital assets. Commissioner Frey suggested that he come forward for approval of use of the buses for the ski trips and the SUMFUN program at the same time. DA Mallory said that is an excellent idea since we will likely find that only commissioners can contract on behalf of the County.

**Commissioner Pearce made a motion to approve renewal of the lease agreement for use of Churchill County School District Buses for the Parks and Recreation's SUMFUN Summer Day Camp Program. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Presentation on NPAIP and PACT Insurance Pool Update, Alan Kalt, Comptroller.**

Comptroller Kalt reported that he serves as the chair of the Public Agency Compensation Trust. He showed a Power Point slide show as an update on matters had at the annual meeting April 24 and 25 in Reno. Thursday afternoon's session was concerning education and training and then there was an evening activity. On Friday they had the various board meetings. He and Commissioner Pearce participated in all of the activities. POOL/PACT provides interactive risk management services cooperative, excelling in innovative solutions to help members serve the public with financial strength, security, durability, cost effective risk sharing and financing, interactive claim services, members networking and resource sharing. These organizations are member governed stewards of public assets committed to quality members services focused on the future. The POOL has 20 years of history and PACT has over 12 years and they have come a long way because of their commitment to the program. Wayne Carlson used the theme of Earth, Wind and Fire because of our recent earthquakes, wind damage and wild fire damages throughout. They talked about risk assessments related to disaster recovery and processing of claims. They spent a lot of time talking about finances and investment policies. The combined 4 programs have over \$70M of assets in investments so it is becoming more and more important that they manage those resources so that we get a greater rate of return on our investments, while staying within our investment guidelines and strategies. Joint meeting topics included review of the minutes, executive director's report, investment report, strategic plan update, website programs, retreat in September, human resources grant progress report, and loss control report. He wanted to highlight and he provided in the packet the Executive Director's report as a quick overview of what has been happening in the programs. They have kicked off a new e-learning site through the website ([www.poolpact.com](http://www.poolpact.com)), which allows our employees to go online and do interactive learning at their leisure. Churchill County was awarded, because of a lot of effort by Human Resources Director Stark, the Loss Control Excellence Program Recertification Award of \$3,000. They approved the management contract for PARMS and talked about the other post-employment benefits and creating the trusts to allow for pooled investments on our OPEB liability. Their financial strength continues to be very strong. They have shifted \$6.9M into the public risk mutual and under the worker's comp captive, they have \$16.7M. Those 2 programs

are about 2 years old and they have had some losses on the Public Risk Mutual where property losses have hit that layer but they have been able to build financial strength into those programs.

They have taken on an aggressive fitness and wellness component with Specialty Health and Dr. Greenwald and his staff gave a presentation. We need to bear in mind with heart and lung disease with our public safety employees that they are a million dollar liability. Every one of those guys are a million dollar man if they were to have a heart attack or stroke. This is a proactive program to promote cardiac wellness and provide them services to stay healthy so they can continue to serve the public as well as improve their own personal quality of life through physical fitness. They went over the large loss reports. On the worker's comp large losses, there were 4 heart/lung cases. They had an actuarial update and the good news is that our PACT premiums will remain relatively constant. Where we will see an increase is at the individual entity level for the modification factor. That is where the more claims you have as an entity, the higher your mod rate is. One would be the average and if you are below one your safety record and your claims are below then you won't be billed as much. If you are greater than one, then you pay a premium and that helps balance out those folks who have more effective loss control programs – pay less than those who have higher claims.

They adopted the revised capital investment strategy and transferred more money into the captive PCM. The reason they did that is that our investment opportunity is greater and they are able to obtain more risk internally within that program. They approved a 1 year contract with ASC as their third party administrator. Typically, they do 3 year contracts. One of the things they are looking at is that they brought the human resource program in-house and did a grant. They realized some savings of over a half a million dollars. They are looking at the possibility of bringing the claims administration in-house to see what type of savings that would prove. Currently, they have a cost plus contract with them and even within that contract they allocate corporate overhead to us. If they had that in-house, any savings they had would fall to their bottom line. They did ultimately accept the renewal program, reviewed the NAC for compliance, and held elections for officers. There are a couple of entities in financial assistance from the Department of Taxation who are members. However, all of their premiums are current. They did not vote out any members.

They had the POOL meeting with the financial information and accepted the audit. POOL, just like PACT, had an outstanding year. He previously provided the board with a copy of the audit report. They accepted the budget, approved a 1 year contract with ASC, and approved the capitalization strategy and the transfer of funds to PRM in the same version as they did on the PACT side. They approved changes to an interlocal agreement that talks about the litigation strategy committee, which is made up of all city attorneys and district attorneys. They accepted the renewal and Wayne or Doug will be out in June with the renewal presentation and provide a great overview on that. They elected officers. The PRM and PCM captive meetings consisted of mainly administrative functions. They approved their audit reports, which are based on a December 31<sup>st</sup> year end rather than a June 30<sup>th</sup> year end. PRM continues to provide a layer of coverage to the POOL and PCM provides a layer of coverage/co-insurance on the worker's comp program. They continue to be in great financial strength. He also included in the packet the HR services information and some of the things that are going on there. What is really interesting and they provide this to the membership is problem solving synopsis of actual claims. There are 12 pages that include problems and the resolutions that took place. He knows that HR Director Stark uses these as training points to learn how to address an issue. They are based on real cases within our membership. That program switched from Larry Beller & Associates to

Mitch and Wayne through a grant, which has worked very effectively. They have not seen any turnover in the employees of pooling resources. As a matter of fact, a lot of folks, just like how we promote our employees to continue their education and skill set, some of those have done so as well and have moved up to assistant consultant and research analyst type positions. The formal renewal will be at the second meeting in June.

**\*\*The meeting was recessed for a break until 3:15 p.m.**

**\*\*The meeting was called back to order at 3:15 p.m.**

**Closed Personnel Session – Consideration of the Agreement between Churchill County and the Dispatcher’s Unit, Geof Stark, Human Resource Director.**

**Commissioner Pearce made a motion to recess the Board of County**

**Commissioners meeting for the closed personnel session. Commissioner Frey**

**seconded the motion, which carried by unanimous vote.**

**\*\*The meeting reconvened.**

**Open Session – Consideration and possible action re: Ratification of the Agreement between Churchill County and the Dispatcher’s Unit, Geof Stark, Human Resource Director.**

Human Resources Director Stark reported that negotiations went very well and both parties were good to deal with. He presented a new bargaining agreement for the next three fiscal years between Churchill County and the Dispatcher’s Unit, who are represented by Operating Engineer’s Local No. 3. Negotiations began in January of this year before the current contract expired, which allowed them to move through things and they were able to get the agreement finalized before the other contract expired, which is nice for both parties to get it resolved before the end of the contract. Both parties came together with reasonable proposals and, as a result of the 4 or 5 meetings, they were able to reach another agreement for the next 3 years. The projected increase in wages and benefits are included in the final budget to be submitted to the Department of Taxation and Holly Cork and Audra Bunker are present today representing the Dispatcher’s Unit. He thanked them for their efforts, as well as the rest of the dispatch crew for working in their office but also for the way that the negotiations went so smoothly. It is nice to go into negotiations and have a cordial atmosphere than you hear other entities have.

Commissioner Pearce thanked both Holly Cork and Audra Bunker for the hard work they put into this. As Geof said, it doesn’t always go that smoothly so it is very nice and it is nice to get it done early. It looks like everybody involved did a good job on this and it makes it a lot easier.

Commissioner Frey thanked them for participating on behalf of the other dispatchers. That type of participation goes a long way.

Chairperson Washburn thanked them as well and stated that it makes it easier on them. To reach agreement this quickly is very nice.

**Commissioner Frey made a motion to ratify the Agreement between Churchill County and the Dispatcher’s Unit. Commissioner Pearce seconded the motion, which carried by unanimous vote.**

**Letters Received:**

**Consideration and possible action re: Letter from the Department of Taxation Regarding Compliance of Fiscal Year 2008-2009 Tentative Budget.**

Comptroller Kalt reported that a letter was received from our local government budget analyst stating that Churchill County’s budget is in compliance with the statutes. We are

required by law to note that in the Minutes. Our final budget was just sent away and he is very confident that the final budget will also be found to be in complete compliance with statutory regulations.

**Commissioner Pearce made a motion to note receipt of the letter from the Department of Taxation indicating Churchill County's Fiscal Year 2008-2009 tentative budget, pursuant to NRS 354.5965, has been reviewed and determined to be in compliance with the law and appropriate regulations. Chairperson Washburn seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Request for financial contribution from the Celebration for Life Gradnite Committee 2008.**

The Celebration for Life Gradnite Committee 2008 has requested community support for this annual event. Historically, Churchill County has provided \$500 to support the Gradnite Celebration and there is adequate funding at that level if the Board approves the request.

Chairperson Washburn said this is one of the community events that she thinks is well worth sponsoring and we may never know how many lives it saves. She thinks that a donation of \$500 would be appropriate.

Commissioner Pearce said he agrees with the Commission Chair. This is definitely a worthwhile donation and he knows we are scraping the bottom of the barrel but he trusts that Comptroller Kalt has found a place to get the money from and he thinks that is appropriate.

**Commissioner Pearce made a motion to award the sum of \$500 in support of the Celebration for Life Gradnite Committee 2008. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**Old Business:**

**Consideration and possible action re: Discussion of the County's position on TROA for development of a Resolution or Position Paper for Commissioners to use when basing their votes on other committees and boards.**

This item was withdrawn from the Agenda.

**Consideration and possible action re: Odor sampling results from January 28, 2008 through March 3, 2008 in the valley area surrounding Bango Oil, the two batch plants and the rail-park off of the Reno Highway east of Hazen.**

Code Enforcement Officer Whimple reported that the odor sampling was completed from January 28, 2008 through March 3, 2008 using 20 points. This amounted to at least 25 days of testing each of the 20 points twice a day, once in the morning hours between 5 a.m. and 8 a.m. and once each evening between the hours of 7 p.m. and 11 p.m. Staff tested each sampling point and recorded the data at each point. The recorded data sheets used were one sheet for each location for the morning sampling and one sheet for each location for the evening sampling. The data was reviewed with Mr. Charles McGinley of St. Croix Sensory Inc. and he agrees that at this point there is no indication of an odor issue in the area. He recommends that, as the weather becomes warmer, more sampling may need to be done and asked that the board refer to the memorandum dated May 1, 2008 attached to the Agenda Report for additional information.

Commissioner Frey said he received a call from Don Mello indicating that he would normally be in attendance for this meeting but was unable to attend due to a previously scheduled appointment. Mr. Whimple said that Mr. Mello and Bango Oil received a copy of the

Memorandum and map on May 9<sup>th</sup>. He said the picture of the round graph that he provided to the board shows the old thermal oxidizer that is now a combustor. It has a 23''(inch) tube on it that is the primary burner and then that goes into the old thermal oxidizer, which is now a secondary burner. It has different things that are measured on it. It measures the temperature of the primary burner, the O<sup>2</sup> levels, the CO levels and the temperature of the stack. Where the temperature of the stack is being taken will be a representative temperature of the secondary burner. What happens now is that the water is sprayed into the primary burner, that box is about 1650-1700 degrees, burns that water and the gases that are left go into the secondary burner, which is somewhere between 1400-1600 degrees and they are still trying to get that balanced out. It is then burned again before discharge into the atmosphere. The likelihood of having odorous VOCs discharged into the atmosphere is minute because of the double burn that is taking place. It also has diffusers set up inside the box so that it causes a swirl in the secondary burner so all the gases swirl, go through the flame and then up through the stack. They have a CO monitor that you can actually watch the monitor go in to the stack, take a reading and come back out. It takes about 1 ½ minutes for it to take its reading. They are going to have this source tested on June 23<sup>rd</sup> and then we will find out how well it is functioning for sure because of the measurements that it will take but that will be a very useful tool for us because if there is a significant change in the temperature, oxygen or the CO, that can lead us to make a determination whether there may be an issue with VOCs as well, which are generally odor problems. As long as that is functioning the way it is supposed to and that chart continues to show the proper issues, then it should be no problem as far as the combustor goes. He has submitted the report of the sampling results for a total of 1,000 samples being done. Out of that 1,000, 34 were positive but nothing above a 2 dilution threshold, which is fairly minute and is a very mild odor. He confirmed that with St. Croix.

Commissioner Frey said Mr. Mello was concerned that during the period of testing that the plant was shut down for expansion purposes and other purposes. Mr. Whimple said the plant basically was running the majority of the time. What was shut down off and on was the combustor. However, it did run significantly during that time period. One of the things to look at also is from the time period of January to April of last year, they had no complaints but in May they had 8 complaints. They were functioning at approximately 150,000-200,000 gallons processing per month but they were only actually operating from January to April for a total of 60 days because they had just fired up. This year from January to May, we had 34 complaints in January, 13 in February, 9 in March, 8 in April and 6 in May. The problem is that we've had 1 or 2 people that are skewing the numbers because they are constantly calling. If you look outside of 3 of the people who live out there, out of the approximately 65 residents out there, there were only 4 complaints in that time period. One individual filed 45 complaints from January to May, the second individual filed 12 and the third 9 so out of everyone else who lives out there, there were only 4 complaints.

Commissioner Frey said if they are under the impression that the dates and times that we were doing testing that there was no activity at the plant, is there some way that we could correlate that information for them? Misinformation creates as much of a problem as accurate information. It makes it extremely difficult to deal with it. Mr. Whimple said he did not ask for the information all the way back to January but he asked for information from the plant for March and April about up and down times concerning the entire plant and reactivation processes and stuff like that. That is at the end of our testing period but he's sure that they will provide

January and February details as well. He will get that information to Mr. Mello and he can disseminate that to the other residents.

One of the things that is interesting to note is that the plant has not been doing reactivation hardly at all for the last couple of months because it hasn't been required because the product they are making is going to ships to be burned as fuel after the ship is outside of the 10 mile limit. Once they are outside of that 10 mile limit, they can burn about anything they want. This product is given to the ships and is not as highly polished a fuel product and that is what the reactivation process does. The combustor has been functioning most of the time with times down for tweaking it. They are doing a number of things to improve that situation out there from their point of view. Unfortunately, during our testing we did not get a funnel, we couldn't find a pathway. The batch plants were down at that time but they are back up now. Tackifiers had been put down and we've had batch plants up and we know that we are getting odors from there, especially from RHB. RHB pumps smoke very badly. He has discussed this with NDEP numerous times but, unfortunately, they do not get much response from them. There is also the issue of the illegal salvage yard in the hills that burns and he will burn anything and everything so that contributes to the odor. On Sunday night at 8:00 p.m., there was a complaint filed and we also had a person call us to notify us that there were several people on the Bench burning and that they were burning numerous things, including household rubbish, car parts and car oil. The wind was traveling in a direction coming down from the Bench toward the valley floor and over toward the Mori and Mello residences. There are contributing factors out there that we have to look at as well. Overall, Bango Oil is looking pretty clean from evidence gathered to date. However, Mr. Mello suggested that we conduct another round of testing. Mr. Whimple suggested the last 3 weeks in June and first 2 weeks in July. They are trying to keep the overtime to a minimum but the problem will be a significant increase in their use of gasoline. They are trying to keep the overtime to comp time to help with budgetary impacts. They are trying to minimize all costs as much as possible but there will be some costs involved if we do another round of 5 weeks of testing.

Chairperson Washburn said she was also contacted a couple of times by Mr. Mello. She appreciates the extra costs involved in another round of testing but she agrees that we need to conduct another round because most complaints came during that time last year. She thinks one set of tests in the winter probably will not be enough to make any particular determination and maybe the warmer weather tests won't either but we need to solve this and we owe those people that courtesy of testing in the warmer weather. Mr. Whimple said last year we had 8 complaints in May, 18 in June and 46 in July and then it started going back down again. That is why he selected June and July because that was the highest peak in complaints.

Commissioner Pearce agreed that we owe it to the residents out there to conduct another round of testing to attempt to get to the bottom of this. Last year he could smell something at the bottom of the last hill of that little valley like a heavy petrochemical vapor that walks its way down through those gulleys to the lowest elevation. He wouldn't want that odor at his house so he understands their frustrations with that. We need to do another round and make another determination. He knows that there are other issues but his gut feeling tells him that we are headed in the right direction and it's just a matter of being able to correlate whatever data we get with some sort of course of action that will alleviate the problem.

Planning Director Lockwood wanted to follow up on what Commissioner Frey asked. She had lengthy discussions with Mr. Whimple to try to present a picture from a layman's perspective of exactly what is happening at the plant. For instance, when he said the plant is in

full operation but they are not because they are moving the product off to ships to burn, which is not full operation. This is largely or part of the frustration she has and that the people out there have. She has been working with Mr. Whimple to develop two things. One of them is a picture of the plant a year ago and another picture of the plant today that shows all potential sources of odor. There is a valve that is open that we know has a stinky odor coming out of it but it is not supposed to be open for more than 30 seconds. She is asking him to develop that picture so that we can see all of the potential sources of odor that come out of the plant. We also then need, something that shows what, when most of the complaints come in, the plant is doing at that time, how many trucks came in, how much was unloaded, how much was burned, where were the potential sources of odor, etc. She would then like to be in a position, before we start the sampling in June when the hot weather comes, and asked the board what is the best way to sit down with the residents out there and potentially ask Bango Oil to come to look at this document. We could show them where, for example, in May last year we had a pond filled with dirty water and then look at the complaints that came in during that time. There was a significant increase in the complaints when the pond was filled up. Now, a year later there is no pond and then determine if there has been a decrease in complaints so, from a layman's perspective, we might say that the pond possibly contributed to the odor and then minimize it. She asked for direction and input from the board on this, in the next few days and then sit down in a logical framework and try to go through this puzzle to determine from a layman's perspective what may be the main contributor because the person who has complained 45 times has not complained in the last 2 weeks and she lives at the bottom of the depression. Why is that? Planning Director Lockwood said she personally thinks it is important from a layman's perspective to narrow down where we think the most probable cause of odors is and, therefore, is there something that we can do to reduce the odor.

Commissioner Pearce said, from his perspective, if you had a plant that took the same materials in and produced the same materials out, it would be a little easier than a plant that switches production of the quality of the material going out. He happened to read up on ship engines and what they burn. If a plant doesn't have to polish it as much, that means, obviously, less water, less contaminated water that has to be burned so maybe less smell. Then when the plant gets into a different phase and is producing a product with more polishing, you end up with more water that has to be dealt with and has to be incinerated essentially. Is there a time frame that when the plant turns the water on and starts putting it into the burner that the temperature sags enough that some of those volatile chemicals may produce an odor that gets off and then when once it gets up to heat again then we are in good shape? He agrees with Eleanor that you need to know exactly what parts of the plant were operating and what could be the possible source. Otherwise, we'll still be here next year without getting to the answer.

Planning Director Lockwood said that brings her to two other points. Bango Oil is considering a couple of things that will require that they come back to the County for either an amended Special Use Permit (SUP) or a new SUP. Now that we have in our ordinance that we are allowed to find a panel of experts to thoroughly go over the application and, even before the application is filed, have the panel tell us what we should be requiring of the applicant. She thinks that will help us. Corporate Bango Oil hasn't decided yet if they will move forward and what they will move forward with. One of their considerations is increasing production – the number of gallons they actually produce. If they do any of those things, we are now in a position where we can require far more extensive information on exactly what we are talking about here as part of the application process. Part of her almost wants them to come back to the County to

ask for something additional so that we can get to the bottom of exactly what is going on out there.

Mr. Whimple said, with regard to what the plant does, we have to look at several areas: receiving, regeneration and shipping. The burning of the water is 24/7. Unless something causes the combustor to be shut down, it should be running at temperature 24/7 because of the amount of water that they can put through it and the amount of water that they create, it will run continuously to burn the water off. Now, is there a possibility that they could get to a point where they have no water left to process so they have to shut down for awhile until they get more water so they can process, he would imagine that is a possibility. With the expanded SUP, if they do come in for that, one of the biggest things he and Eleanor have talked about is a requirement for modeling. There are environmental companies that can lay out Bango Oil, the topography, and it will demonstrate where the odors will go, how it will travel, how far it will go, and if it will be a problem because they can look at all of the environmental aspects of it, what these gasses are made up of, how many of them that are hydrocarbons that are smelly, VOCs that are smelly, or TGOCs that are smelly. They can do a number of things with this modeling. He agrees with Eleanor that he is hoping they put in for the SUP because that would be the way to really answer some of these questions.

Commissioner Pearce referred to the recording graph he provided and said that unless he is reading it wrong, there are drops in temperature. As you look at that 24 hour cycle, the temperature has gone from 1400 and dropped to 700 and then it will come back up again. So, they may operate continuously but when you look at the graph, you see places where the temperature has dropped significantly. He counts 4 places where the temperature has dropped. So, is it in these places, either at start up or shut down, where we are getting odors? It's not that the folks say it is non-stop, continuous 24 hours a day. It comes in waves and then lingers and leaves. We need what Eleanor said because there is something there. His gut feeling is that we are barking up the right tree but we haven't determined the problem yet. Mr. Whimple said, with regard to the chart, part of the issue is that they are still tweaking the combustor. The blue line is the oxygen, the red line is your main primary burner/temperature, the black line is your stack temperature, and the green line is CO. At the time this was taken, the CO sensor was not functioning but it is now. The stack temperature in the black line will have fluctuations because when hydrocarbons come into that secondary burner, when they burn they burn very hot so it will rise and drop off, which may not be reflected yet but that will happen. He is not saying it is running absolutely perfect yet but they are trying to get all of the fine tweaking done so that they are ready for June. What we will hopefully see over the next 3 weeks on these charts when he goes out there is some normalization of some of the lines on there – they will not be quite as dramatic. One thing that will tell us is if we have reports of black smoke, if black smoke is coming out of that combustor, that chart will tell us because you will have a significant change in oxygen and in CO.

Commissioner Frey said that the CO would only be measured periodically. Mr. Whimple replied that CO is measured periodically but is measured in rapid steps. Right now it is being tested every 5 minutes but that will probably be reduced. Commissioner Frey said if you measure CO right now and then 2 minutes after the CO is measured and you get a puff of black smoke. Mr. Whimple apologized because he made a mistake – oxygen is every 5 minutes. The way this is set up is that CO sensor is running continuously. If there is an increase in CO, the combustor has to infuse oxygen and if that doesn't correct the problem, then the sensor must shut down the combustor. That time from when it senses the high CO and they are doing an influx of

oxygen to the shut down time is 90 seconds. So, in 90 seconds if that isn't balanced out to where it is back within limits, it shuts itself down. That CO is being measured on a continuous basis and was one of the requirements of NDEP.

Commissioner Frey said he asked Don Mello if had ever gotten any pictures of the black smoke. To have a picture of that with a time and date stamp would be beneficial to us or at least it can't hurt to have that. Planning Director Lockwood agreed but said, on the other hand, Don Mello always asks what the County is doing to monitor to make sure they are not producing more than X number of gallons per day. She replied that it is totally impossible for us to have 6 policemen out there 24/7. You have to look at the whole process and they cannot produce more than they are permitted for. She agrees that black smoke is irritating if it carries a lot of odors with it but not if the puff of black smoke lasts for 2 seconds. Commissioner Frey said his tractor does that.

Commissioner Pearce asked if the CO<sub>2</sub> is being monitored but not recorded. Mr. Whimple said that at the time the testing was done, the CO sensor was not hooked up. They have had problems with the contractor on the combustor. He has been working almost everyday for the last couple of months to get the system put back together and functioning the way it is supposed to function. He thinks they almost have that completed now. That CO should probably read between 1.5 or 2 parts per million. Right now all that you can see is a solid green line because the sensor is not functioning in that picture but it is now. Another thing you will see on the graph is when they start up or shut down, it goes up and down in 4 lines in one spot from top to bottom when that happens. It just makes a whole bunch of lines from top to bottom when that happens.

Chairperson Washburn asked if any records are being kept of weather conditions and how that may correlate. Mr. Whimple said that Bango Oil purchased a small weather unit but he is not sure if they have it hooked up to read into the computer so that it will constantly record that information. They do have it and it records the humidity, temperature, wind direction, wind speed and all of that. Their plan was to get it hooked up to the computer so it is constantly recorded along with all of the other information like production etc. Chairperson Washburn said she thinks if we are going to have a big picture to meet with the people out there that we need that information. Mr. Whimple said he will go back to the company to see if they will provide the information for January and February, as well as the weather data in addition to production.

**Consideration and possible action re: Creation of a special assessment to collect the abatement fees and associated costs for the abatements of 9535 Reno Hwy. (APN #007-171-26) and 705 Wade Lane (APN #008-273-29).**

Per NRS 244.360, abatement of nuisances section 3 "...the Board of County Commissioners shall cause the abatement of the nuisance and make the cost of abatement a special assessment against the real property". Per NRS 244.360 section 4 "the special assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes."

All laws applicable to levy, collection, and enforcement of County taxes shall be applicable to such special assessment. The Board of County Commissioners approved the abatement of both properties in 2006 after Code Enforcement sent all of the required notices per the NRS and both owners failed to abate the nuisance.

Code Enforcement has notified both owners of the amount owed and requested payment. The property owners failed to pay in part or in whole the abatement and associated costs and

they were notified that a lien would be placed against their property to protect the taxpayer funds that had been expended to abate their property. All notices and filing of the liens were accomplished in accordance with the NRS. The total abatement and associated cost for 9535 Reno Highway is \$32,457.97. The total abatement and associated cost for 705 Wade Lane is \$29,843.20.

The owners of 9535 Reno Highway received an invoice date April 6, 2006 for the total amount owed to the County for the abatement and associated costs. A Notice of Intent to File a Code Enforcement Lien was sent to them after no payment was received and the lien was filed on August 7, 2006. On August 4, 2006 a hearing was held by the County Hearing Officer and attended by Mr. Linwood Tracy representing the owners. The Hearing Officer upheld the right to file the lien. In the hearing Mr. Tracy stated under oath that “the abatement and all costs associated with the abatement has not and will not be remitted to Churchill County by them nor would they be willing to enter into a payment agreement with Churchill County for all said costs”.

The owner of 705 Wade Lane received an invoice dated July 12, 2006 for the total amount owed to the County for the abatement and associated costs. A Notice of Intent to File a Code Enforcement Lien was sent to them after no payment was received and the lien was filed on November 9, 2006. The owners did not file for a hearing to prevent the filing of the lien. One of the owners has requested the property be sold and the abatement costs be paid from the proceeds of the sale. The principle owner refused this request and has stated the abatement costs will be paid with the taxes.

**Commissioner Pearce made a motion to approve that the Clerk/Treasurer be and she is authorized to create a special assessment for the collection of the cost of the abatements of 9535 Reno Highway APN #007-171-26 and 705 Wade Lane APN #008-273-29 and all associated costs; and that the Clerk/Treasurer be and she is authorized to institute all other necessary collection procedures in this matter. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**New Business:**

**Consideration and possible action re: Approval of Interlocal Cooperative Facilities and Services Agreement for Mosquito, Vector & Weed Abatement made pursuant to NRS 287.045 et seq.**

For many years, the Mosquito District has utilized, as its primary place of operation, a County owned building of the Road Department. An agreement was made as to the use of the facility in September of 1987. No other agreements relating to the use of facilities has been made since that time. This Agreement serves to update the former agreement had with the district and place it within the ambit of Chapter 277 of the Nevada Revised Statutes: Interlocal agreements. It serves to address both the use of county facilities by the district and provides for special joint projects.

This Agreement includes an enabling provision which is intended to allow, periodically, the addition of “addendums” encompassing specially described joint projects had between the county and district. An initial special project is described in the first addendum encompassing the placement of a fence adjoining Rogers Road.

**Commissioner Pearce made a motion to approve the Interlocal Cooperative Facilities and Services Agreement Made Pursuant to NRS 277.045 et seq. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**First Reading – Consideration and possible action re: Bill 2008-B, Ordinance 101, Providing for the Permitting of Locksmiths and Safe Mechanics by the Churchill County Sheriff as provided for by NRS 655.010 et seq.**

**TITLE: AN ORDINANCE PROVIDING FOR THE PERMITTING OF LOCKSMITHS AND SAFE MECHANICS BY THE CHURCHILL COUNTY SHERIFF AS PROVIDED FOR BY NRS 655.010 et seq.**

**SUMMARY: NRS 655.070 PROVIDES THAT EVERY PERSON WHO WISHES TO OPERATE AS A LOCKSMITH OR SAFE MECHANIC MUST OBTAIN A PERMIT FROM THE SHERIFF OF THE COUNTY IN WHICH HIS PRINCIPAL PLACE OF BUSINESS IS LOCATED. THIS ORDINANCE PROVIDES FOR THE PERMITTING PROCESS AND ALSO SPECIFIES THE AMOUNT OF FEES FOR ISSUANCE AND RENEWAL OF A PERMIT AND RELATED MATTERS.**

NRS 655.070 provides that every person who wishes to operate as a locksmith or safe mechanic must obtain a permit from the sheriff of the County in which his principal place of business is located. This ordinance provides for creation of a new chapter to the Churchill County Code governing the licensing and permitting of locksmiths and safe mechanics. The ordinance establishes an investigation process by the sheriff, including all information to be included in an application. The ordinance also establishes investigation and permit fees to be later revised by resolution.

**Commissioner Frey made a motion to set Bill No. 2008-B, Ordinance 101, for a public hearing on the 5<sup>th</sup> day of June, 2008. Commissioner Pearce seconded the motion, which carried by unanimous vote.**

**Consideration and possible action re: Intrastate Interlocal Contract Agreement Between the Department of Health and Human Services Division of Welfare and Supportive Services and Churchill County District Attorney, Child Support Unit.**

District Attorney Mallory said this is pretty much a standard child support contract where we get reimbursed a certain amount for all of our expenditures. They made one change this year which they think will be to our advantage and modeled it after the most successful county in the state, which is Douglas County. It will help their statistics and, therefore, possibly help their reimbursements. Churchill County will no longer collect on behalf of the state welfare agencies for aid paid to dependent children. Those cases are very difficult to collect from so it skews your numbers in a negative way. The state has offered to take that back, they wanted to take that back and Churchill County was happy to have them take it back. It will improve their productivity and allow them to improve their service to the public without additional costs or personnel.

**Commissioner Pearce made a motion to approve the Intrastate Interlocal Contract agreement between the Department of Health and Human Services Division of Welfare and Supportive Services and Churchill County District Attorney's Office, Child support Unit. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**First Reading – Consideration and possible action re: Bill No. 2008-C, Ordinance 102 (1996), EMC amendment to Chapter 3.56.060 CCC Open Meeting Law.**

**TITLE: AN ORDINANCE OF THE CHURCHILL COUNTY EMPLOYEES PROVIDING FOR THE AMENDMENT TO PROVISIONS OF CHAPTER 3.56.060 OF THE CHURCHILL COUNTY CODE (OPEN MEETINGS AND FURTHER PROVIDING FOR RELATED MATTERS.**

**SUMMARY: CHURCHILL COUNTY CODE, CHAPTER 3.56.060, PROVIDES FOR APPLICATION OF NEVADA OPEN MEETING LAW TO MEETINGS OF THE EMPLOYEE MANAGEMENT COMMITTEE. THIS ORDINANCE AMENDS CHAPTER 3.56, SECTION .060, TO LIMIT AND DEFINE THOSE CIRCUMSTANCES UNDER WHICH NEVADA OPEN MEETING LAW SHALL APPLY TO MEETINGS OF THE EMPLOYEE MANAGEMENT COMMITTEE AND FURTHER PROVIDES FOR RELATED MATTER.**

Bill 96-G (1996) provided for the establishment of the Employee Management Committee and made applicable to proceedings thereof the provisions of Chapter 241 of the NRS (Open Meeting Law). The conditions and circumstances exist for the performance of certain duties had by the Employee Management Committee that render compliance with the Nevada Open Meeting law impossible. The provisions of Chapter 241 of the Nevada Revised Statutes (Open Meeting Law) shall apply to meetings of the county Employee Management Committee, when convened in its advisory capacity, to consider any of the following matters:

1. Formulation of personnel related policy and procedures,
2. Expenditure of public funds; or,
3. Nomination and selection of Committee members.

**Commissioner Frey made a motion to set Bill No. 12-08, Ordinance 102 (1996), for a public hearing on June 5, 2008. Commissioner Pearce 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. Letter from the Nevada Commission on Economic Development informing Churchill County that the Churchill ADA Accessibility Project was recommended for funding by the Advisory Committee.
- B. Armstrong Teasdale LLP provides its Monthly Report for March, 2008 summarizing the status of the Yucca Mountain Project and their activities on behalf of Churchill County, Nevada.
- C. The U. S. Nuclear Waste Technical Review Board (NWTRB) Examines DOE's Yucca Mountain Total System Performance Assessment at May Meeting.
- D. The Bureau of Land Management (BLM) reports on the snowpack, water and range conditions and details the livestock management operations that may need to be adjusted due to the continuing dry conditions.
- E. The Carson-Truckee Water Conservancy District provides its Tentative Budget for the fiscal year 2008-2009 and Notice of Public Hearing set for May 15, 2008.
- F. The Division of Water Resources provides a Notice of Hearing set for 6:00 p.m. on Thursday, June 5, 2008, at the Churchill County Chambers concerning the domestic well program.

- G. The Fallon High School Rodeo Team thanks Churchill County for its financial contribution in support of the Fallon High School Rodeo.
  - H. The Bureau of Land Management (BLM) provides the proposed 10 year renewal of the grazing permits for the allotments in 2008.
  - I. The Nye County Nuclear Waste Repository Project Office has submitted the FY2010 AULG Oversight Budget Requirements to Edward Sproat at the Department of Energy in Washington, D.C.
  - J. Nevada's Congressional Delegation writes to the U. S. Nuclear Regulatory Commission concerning Yucca Mountain and the license application for construction of a nuclear waste repository.
  - K. U.S. Fish & Wildlife Review of the Bull Trout as an Endangered Species.
  - L. U.S. Fish & Wildlife to Conduct Status Review of the Mono Basin Area Population of Greater Sage-Grouse.
  - M. Thank You Letter to County Manager for Providing Information Regarding PILT, Public Lands and Water.
  - N. Notice of Public Meeting: Environmental Assessment – Title Transfer of the Carson Lake and Pasture.
  - O. Donation Receipt from the Wells Nevada Earthquake Fund for Churchill County's donation of \$1,508.00.
  - P. Notification from the City of Fallon that it will consider annexation a parcel of land of approximately .77 acres owned by the Churchill Association for Retarded Children (APN: 007-752-17) located on South Maine Street, Fallon, Nevada.
  - Q. The Churchill County Junior Livestock Show & Sale thanks Churchill County for its financial contribution to the show and sale.
2. **REVIEW** – None.
3. **COMMITTEE AND DEPARTMENTAL REPORTS** –
- A. Treasurer's Office.
  - B. Social Services Departmental Report for Third Quarter.
  - C. Building Department.
  - D. Recorder's Fees Monthly Apportion.
  - E. Planning Department.
  - F. Sheriff's Office.

Rich Wideman said he was present for the report on odors near Bango Road. He asked if that had been heard in a different order because he had missed the discussion. Chairperson Washburn explained that the Old Business items were taken between appointments when there was extra time between appointments. Commissioner Frey explained that sometimes we finish appointments earlier but can't take the next appointment until the time scheduled so they go down the Agenda to pick up items, usually starting with the Letters Received and fill in time with those items. Mr. Wideman said he understood that sampling was done and he asked if he could get the data from the sampling as to exactly what times the sampling was done. Chairperson Washburn said there would be no problem with that and she believes that was included in the report. He asked if it was possible to get the NDEP data of the times when complaints were called in to see if there is any correlation. The other thing he wondered was if anyone is looking at that. Commissioner Frey said Code Enforcement Whimple had all of the information and

shared it with Don Mello and his group so he is sure that he would be able to share any packet that he gave to Don Mello.

**Commissioner Pearce made a motion to approve the Consent Agenda as submitted. Commissioner Frey seconded the motion, which carried by unanimous vote.**

**CONSIDER FUTURE AGENDA ITEMS** – Nothing other than that listed above.

**COMMISSIONER REPORTS:**

**CHAIRPERSON WASHBURN:** Chairperson Washburn said she thanked Clerk/Treasurer Helton for taking her place at the Teddy Bear Tea since she had other commitments. She attended the meeting last week held by BOR/TCID/NDOW regarding the take over of the Carson Lake. It was well attended by cattle owners and sportsmen. It left them with a lot of questions but she was glad to see it was well attended. She sat on the banking committee and she thinks we did well with that agreement. She participated in the Carson Water Subconservancy District's Regional Water Committee meeting. The main focus of that was the report on the regional flood plane plan meetings that they held so far, including one here in Fallon. One of the big things that has come out of that and that we need to pay attention and review our own things is to implement county ordinances that account for the loss of flood plane storage or volume and to mitigate those losses through other means such as compensatory storage, zoning laws, density requirements, transfers of development rights and mitigation banks. A lot of ideas came out of that. CWSD will encourage counties to develop ordinances to protect that flood plane because everyone there agreed that was important for everyone around the river. Also, to look at the cumulative affects of watershed development not just within individual counties but for the watershed as a whole. CWSD's goal was to have no adverse impacts from development in the flood planes but the people attending did not like the "no adverse affects" and they wanted it changed to "no significant adverse impacts". One recommendation that CWSD developed was skeleton language for ordinances to guide some of the counties because some of the commissioners were very resistant to this. They took some polls and questions and found that 1/2 of the private citizens that attended these meetings, 1/2 of the land use planners and 1/2 of the public agencies fully supported the concept but only 14% of elected officials supported it. That seemed odd to her in the way those numbers turned out. It sounded like they needed commissioner education from the perspective of CWSD. CWSD held its tentative budget hearing. The Carson Truckee Water Conservancy District meeting included a discussion on TROA again and the non-mandatory signatory status. It was on the May Agenda when they had said it would be on the July Agenda. It was voted on and defeated but Washoe County was not present so the one lone supporter asked that it be brought back on the June Agenda for a revote. Another thing that group did was to give another large weed abatement grant to Washoe County Parks and Recreation for the good job they are doing with tall White Top control in the upper watershed and everything that takes place downstream will be a waste if that upper watershed isn't protected.

**COMMISSIONER PEARCE:** Commissioner Pearce said the Fire Board and Museum Board meetings were fairly general. At the Lahontan Conservation District (LCD) meeting there was some discussion where the issue came up over the conservation easement for Rambling River Ranches regarding the requirement that the LCD has or the responsibility that they have to ensure that all of the items laid out in that easement are being met. What they are looking for is a punch list because they believe that every year they are supposed to file a report that says that all appurtenant practices are being adhered to. They have never been able to get the punch list so

they are looking for that. It was a significant discussion and some felt that it wasn't necessary but others felt that it was so he brought it forward here at this meeting. They need the details of what is required and how it should be met (photos, aerial, annual inspection). Commissioner Frey suggested that Terri Pereira at Planning would be the appropriate one to make that list for them. He also recalls some talk that maybe some pictures could be duplicated that came out of a baseline report. Basically, Terri would have to go through the conservation easement and develop the punch list because it outlines a lot of things regarding where they can build, where they can't build. They might need to check with TCID on water right transfers to make sure that while he can make water right transfers at Rambling River Ranches, he must keep the areas that are green and do what he can to keep them green but if there are water rights that are still in his stack yard after 25 years of trying to transfer them off, he still has a right to transfer them off and put them to good use somewhere else. There are a lot of different things like that that Terri would find to make the punch list and should work with them on it. Commissioner Pearce said he thought their biggest concern was that they have been entrusted with this endowment to manage the conservation and they don't want to find 20 years down the road that they are questioned about what they did with the money or discover that they are not doing the right thing. They are looking for something definitive. Commissioner Frey said it might not hurt to fly that by the Question 1 folks, Bill Daily at NRCS and Karl Sommers at the Trust for Public Lands. The Trust for Public Lands was the broker and got the deal done and they are pretty much done with it now. The people that have the vested interest in having provided the money is the Question 1 and NRCS folks. They could have them review the punch list and then sign off on the list every year and that will cover the Lahontan Conservation District. District Attorney Mallory said that in all likelihood the contract between the Lahontan Conservation District and Rambling River Ranches has a list of requirements and you could take those and make a punch list out of it and be sure those are met every year. They might have to determine in some manner how they would measure that but the requirements cannot exceed what is already written in the contract. Commissioner Pearce said if they could get a copy of the contract that would work. DA Mallory said they could get the conditions from the contract and then be able to check them off every year that they have complied with those conditions. Comptroller Kalt said he would meet with Terri to develop something for Commissioner Pearce's review and then with the folks from Question 1 and NRCS and report back to the board. Commissioner Frey said there are a couple of things he would like to mention. There is some construction that can be done on the farm. There are some obligations that he must provide a buffer area within the first 5 years.

**COMMISSIONER FREY:** Commissioner Frey said he attended the BOR meeting concerning the Truckee Canal at Lahontan Elementary School where they announced that they would go to 250 cubic feet per second and then one week later or 10 days later they could go to 350 cubic feet per second. They had forms there to fill out, which can be obtained online or at the BOR office if somebody believes that they have a claim. He participated in the Teddy Bear Tea. He attended the Parks and Recreation meeting on the 6<sup>th</sup> where they readjusted the rental rates that should bring in about \$40,000 extra dollars into Parks and Recreation's budget. They also will be setting up a plan to adjust those fees periodically. He attended the Stillwater Conservation District (SCD) meeting where he was approached by George Machado regarding what we are doing about the monitoring program for Enel Electric so he asked Eleanor Lockwood, who informed him that Misha Stojicevic and Chris Mahannah had been working with Mr. Machado. They are also working with DRI on a monitoring plan as to how Enel's expansion will affect the water resources in that area. Their board also worked on the work plan and budget at that

meeting. He attended a Social Services workshop on quality of life. A lot of quality of life issues start to get involved with economic development issues, so he gave them his ideas but referred them to Chairperson Washburn because she is the representative for CEDA and there was not a CEDA representative there. He attended the Gemini open house in the New River Business Park. Their business is brisk as people are refurbishing their properties and getting new signs. There was a Colonial Bank BBQ in the Valley Plaza next to Citibank to court people who may be leaving Citibank when that bank closes. He was in attendance at the FFA banquet where the Churchill County High School principal presented the 2 FFA advisors a termination letter for their summer work contracts. They refused to accept the letters saying it was not an appropriate time to issue such a thing or to take care of that kind of business. They since have been reissued the letters and tonight at 6:00 p.m. at the School District there is a meeting regarding the elimination of the summer programs for FFA. It is a very difficult situation because these FFA students have supervised agricultural experience, contracts and run the haying program to earn money to send the students to state. It gives the appearance that the School District is trying to balance the budget on the backs of the vocational agricultural kids. It is pretty frustrating because there are other places that they could balance their budget with instead of taking it out of the hide of the kids that they are supposedly serving. He participated in the Employee Management Committee picnic, which was a great event. He was late arriving today because he attended an Economic Forum in Dayton, which was pretty good. There was a lot of information and Senator Amodei kept making references to him and the water in Churchill County but nothing really in a harassing manner. They did provide him with an opportunity to present a statement as to why Churchill County has appealed and protested water right transfers so that helped some of the people involved with economic development in Lyon County to understand that a bit more. One of the interesting things was that Viddler's Pipeline that connects Carson City, Mound House, and Dayton is nearing completion and it shouldn't be too much longer before they can finish their completion on down the road into Stagecoach and almost to Silver Springs. Their concept of a regional pipeline for water is coming to fruition a lot faster than people thought it would. The sewer pipeline will follow because they have some good plan for Mound House sewer expansion also. There is still a lot going on in that region taking advantage of time that they are down from the rapid growth.

COUNTY MANAGER GOETSCH: County Manager Goetsch was not present.

COMPTROLLER KALT: Comptroller Kalt provided his report. The final budget was submitted and he thanked the board for their participation in the May 19<sup>th</sup> tax rate hearing. Staff is very pleased with the Dispatcher's agreement that was approved earlier today and it is a win-win for both parties. He met with Ed Rybold to discuss NAS Fallon buffer zone conservation easements. He has since gone back to "big Navy" with a proposal for a higher contribution rate. It appears that he may be able to move from 50/50 to having the Navy contribute 75% and the County contributing 25% to acquire conservation easements in the buffer and fly zones for the Navy. That would allow us to preserve agriculture, the open space and provide for the recharge of the aquifer. We will discuss that at the upcoming planning retreat for the board. Staff has hit the submit button on the Power 6 computer system. The install date is projected for late June. It cost \$101,931 and then \$5,000 for ADS to install it. It does appear that we may be eligible for a partial rebate on the purchase of that equipment so, hopefully, that will lower the price some. He, Rex Massey and Sherry Wideman met with Kay Vernatter at USDA to go over the water and wastewater grants. We had until May 15<sup>th</sup> to close out the grants but were able to secure an extension for that. We have another submittal forthcoming. The delay that we will see is on the

wastewater side as Misha sets up the computer program to monitor the water and wastewater operations through the computer system. He likened it to the Ormat open house up at Steamboat in Reno where they can log onto the computer from wherever on the internet and get through the security codes and monitor the plant from a remote location. He and Rex Massey submitted an amended cooperative agreement today to the Army Corps of Engineers on the Moody Lane plant. It appears we will get another \$1M to help with that project. That project will come in ahead of time and under budget. The reason we have asked for more money is that we have expanded that project for greater capacity and to hook up the lift station to the Golf Course one, which was not in the original scope. We are able to get them to help pay for that and the developers will also pay for that. A financial update on that will be provided at the planning retreat as well. Staff has notified the employees of the new insurance rates and he met with management staff of CC Communications to negotiate a proposal. We are still in negotiations phases and the most recent proposal from CC Communications is closer to the reality. For many years, the County had a lower loss ratio and costs should be allocated fairly based on the loss ratio. One entity that has a higher loss ratio should pay a higher proportionate share than the entity that does not. The planning retreat or workshop is scheduled for May 28<sup>th</sup> starting at 10:00 but have a lot to discuss so he asked the board if they could stay for lunch or, if possible, until 1:30 to 2:00 that day. He told them if anyone had a problem when they checked their calendars to let him know. He received a call from Skip Reeves at the hospital. They have come to the conclusion that they have been paying the utilities at 155 No. Taylor, as well as the Annex and ambulance shed. He told them that as soon as they sign off on the new lease agreement for the hospital grounds and we effectuate the change in ownership that he would be more than happy to turn the utilities over into our name. He hopes that will provide them with some motivation to get that taken care of. Proctor has a resolution ready to roll regarding following the statutes as it relates to economic development but we are waiting for an appraisal that must be done within 6 months. Staff will be meeting with AB198 folks to close the Phase I water grants. The plant has been up and operating but we can't complete the grant until all of the mobile home parks and the Highway 50 businesses are connected. He is pleased to announce that Wells Fargo presented a check for \$25,000 to help with hooking up the West Star mobile home park today.

DISTRICT ATTORNEY MALLORY: District Attorney Mallory had nothing to report.

CLERK/TREASURER HELTON: Clerk/Treasurer Helton was not present at this time of the meeting.

**CLAIMS AND PAYROLL TRANSMITTALS**

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

There being no further business to come before the Board, the meeting was adjourned at 4:10 p.m.

APPROVED: \_\_\_\_\_

Gwen Washburn, Chair

ATTEST:

\_\_\_\_\_  
Kelly G. Helton, Clerk of the Board