

MINUTES OF THE CHURCHILL COUNTY BOARD OF COUNTY COMMISSIONERS

155 No. Taylor Street, Suite 145
Fallon, Nevada
03 July 2008

CALL TO ORDER

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

PRESENT: Gwen Washburn, Chairperson
Lynn Pearce, Commissioner
Norm Frey, Commissioner
Brad Goetsch, County Manager
Rusty Jardine, Deputy District Attorney
Alan Kalt, Comptroller
Kelly G. Helton, Clerk of the Board
Pamela D. Moore, Commission Secretary

ABSENT:

Pledge of Allegiance

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

ACTION ITEMS

AGENDA

Chairperson Washburn said that the Minutes were not yet available so the Agenda should be revised accordingly.

Commissioner Frey made a motion to approve the Agenda as revised.

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

MINUTES

This item was withdrawn because the Minutes were not yet finished.

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: Ronald Lawrence Parcel Map (TCID#08-016, Freeman Lane), Eleanor Lockwood, Planning Director.

Planning Director Lockwood explained that the landowner is dividing a 102.64-acre parcel into a 44.25-acre parcel, a 58.21-acre parcel and a 0.18-acre parcel. Two of the parcels are on Freeman Lane and there is no dedicated road easement. She said that Freeman Lane is a county maintained road, but it appears that the traveled way was never established within an easement. Staff recommends at this point in time that because a land development is taking place, that appropriate easements be provided on either side of Freeman Lane. The traveled way of Freeman Lane is primarily on this property. Therefore, staff recommends that a 60-foot easement be established around Freeman Lane. Because the USFWS owns the property on the east side of Freeman Lane, the likelihood of the county obtaining an easement from them will be difficult so the Road Department and staff recommend that a 60-foot easement be placed on the

03 July 2008

applicant's property to accommodate Freeman Lane. Mr. Lawrence of 8700 Stillwater Road wants to split this property into two parcels for future salability. After speaking to his attorney, he sees no problem with a 60-foot easement. The Planning Commission voted unanimously in favor of recommending approval of this map.

Commissioner Frey said, with regard to the issue of the 60-foot easement, he asked if Mr. Lawrence's property goes across Freeman Lane and is that why he has to give up a 60-foot easement. Planning Director Lockwood said that is correct because the traveled way of Freeman Lane is predominantly on his parcel and the parcel to the east of his property is owned by the U.S. Government and it would take years to try to get any easement from them so staff recommends that because Mr. Lawrence is doing a parcel split that he provide the 60-foot easement. Commissioner Frey said he could see where it would be a bummer for him but by having roadways and 2 parcels, it adds value to those parcels also. He asked if that triangular piece that is owned by the USFWS was developed as such because of the irrigation ditch that goes through there. Planning Director Lockwood replied that that is the assumption.

Chairperson Washburn said she is familiar with the property there and she doesn't see where it would change anything from what has been there for years so we wouldn't be losing any productive ground or affect water rights.

Commissioner Pearce made a motion to approve the parcel map for Ronald Lawrence (TCID#08-016, Freeman Lane) subject to all conditions of Churchill County Code, including water right dedication; dedication of a 60' road easement on Freeman Lane; further recommendations of the Building Department regarding septic systems; and further recommendations of the Road Department. Commissioner Frey seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Request for a 3 ½ Year Extension of the existing Facility Use Agreement with Western Nevada College, Bus Scharmann, Dean.

Dean Bus Scharmann reported that the current Facility Use Agreement between Churchill County and Western Nevada College provides use for clinical lab space within the County Complex until December 31, 2009. Western Nevada College is requesting an extension of the agreement, bringing the new end date to June 30, 2012. The Cooperative Agreement and partnership with Banner Churchill Community Hospital has been an effective way to address the nursing shortage in our region. The County has been providing the clinical lab space, Banner has been providing the utilities and the College staffing. Every year several success stories have emerged from this rural nursing program.

Recently, WNC has completed a feasibility study which supports the construction of a 10,000 square foot building on the Fallon campus to house a clinical lab and classrooms for nursing education, as well as new science labs for both chemistry and biology classes. If approved, this would be the next construction project at the Fallon campus. The extension requested for the Facility Use Agreement with the County would allow WNC the time to implement a fundraising plan needed for the construction of an Allied Health facility at the Fallon Campus. If fundraising efforts were not successful, the additional time would allow WNC the opportunity to locate an adequate long-term rental structure to house the program.

Dean Scharmann said that Banner Churchill Community Hospital's commitment to provide a faculty position ends soon so they plan to go before the Legislature to request funds to support the nursing faculty positions. The hospital also pays for the utilities for this facility and he spoke to Rex Walk, who is the new Administrator for the hospital, who said the hospital

supports this program as it is the life blood for their nursing staff. WNC does have a verbal commitment for support but nothing in writing.

County Manager Goetsch said that 4 years ago when the current agreement was approved, growth was moving pretty fast and the County anticipated some staff growth, especially in the public works area as the development continued. Things have changed with the economy. The County has taken steps to reduce staffing so the need for the space in that building that the County anticipated has not materialized and is not expected for another 2-4 years. We have had a good partnership and WNC has been a very good tenant in that building. The board is aware of how many nurses have graduated and many stay to work locally so we have grown nurses in our regional area. We are experiencing a regional and local impact. Staff feels that it would be better to have that area utilized for the public and to receive the partnership for financing the utilities and other things happening there. Staff felt this was good for the County and recommends approval.

Commissioner Frey said this is a marvelous program and he knows a couple of nurses who have gone through it. It is good on a regional basis as well. It bothers him that Banner doesn't want to support the teaching staff. He asked if Banner or other hospitals that have benefited from this program have been approached about providing the teaching staff because the legislature will be a tough battle. Dean Scharmann said that is correct and that is listed as their number one enhancement. Honestly, the Legislature will probably not deal with enhancements so they need to go to Plan B, which means that they will go back to Banner and partnering hospitals to see if they are willing to help with that. He is very pleased with the commitment from his President and Vice-President. Dr. Lucey has committed that if they are not able to get the enhancement from the Legislature, it will not damage the program because they will find a way to keep this going. He has seen that commitment this year because with the cut backs requested from the Governor, it has hurt their nursing program and they are cutting back students in Carson City but they are allowing an increase in students in Fallon. That is due to the partnerships with the rural hospitals, the Nevada Hospital Association, Churchill County, and Banner Churchill Community Hospital. These partnerships have been very impressive as has the work that has been accomplished in the last 2 years to increase the numbers. Therefore, President Lucey doesn't want to diminish that effort so they will be accepting 16 students in Fallon while they are reducing the program in Carson by 8 students. The commitment from Western looks good so even if the enhancement with the Legislature is not funded, they will be looking at other sources to keep it going. Commissioner Frey said it seems that if the outlying hospitals that benefit from this program can make a small monetary contribution and then have Banner provide the staff, they could work out an interlocal agreement. It would be nice to keep the program going. The Legislature is going to be a tough year for anything.

Chairperson Washburn said this is a wonderful program and her granddaughter is going through it now. She sits on the Nevadaworks Board and knows that they are very supportive of these programs and they sponsor one through TMCC. Nevadaworks may be a source for help. Dean Scharmann said WNC has a couple of grants through them now.

Commissioner Pearce said the board talked about this last week at the hospital board meeting. They love the program locally but it will be a corporate decision. In those couple of years between 2009 and 2012, one other funding source might be Churchill Community Hospital Inc., which couldn't support that position for a long period of time but it may be able to support or partially support the position for that transition period of a couple of years. If need be, Mike Berney is the President of Churchill Community Hospital, Inc. so it would be appropriate to

approach him about it and have it brought before that board. The hospital is happy with the nursing program and the acting Nursing Director is thrilled at how many of the nurses we've been able to keep in the community locally out of that program and out of upcoming classes who have already signed a letter of intent to work at the hospital. There are some changes going on in Banner Corporate aligning their facilities in the rural areas so it is a matter of trying to make everything fit in the corporate mold. It is not the lack of support at the local level. He also suggested the Nevada Rural Hospital Project as a funding source.

Chairperson Washburn asked Eric Grimes, Executive Director of Churchill Economic Development, who was in the audience if he has seen any grants available to assist WNC. He replied that while researching grants that he has come across grants for medicine but typically those are telemedicine, which are for rural communities to provide equipment and education for a satellite regional office, such as Banner Churchill and outlying areas like Austin or Tonopah where they do not have the opportunity to get continuing education credits or updated classes. He has not seen anything in this regard but that could be because he was not specifically looking for it but now he will have CEDA's staff person do so. That will be added to the list as well. Chairperson Washburn said that was her intent. Commissioner Frey said he knows that some of the nurses have gone to work at the Navy base so that might be an opportunity for the Navy to provide a small contribution.

Commissioner Frey made a motion to approve a 3 ½ year extension to the Facility Use Agreement with Western Nevada College for clinical lab space at the County Complex, taking the ending date of the agreement to June 30, 2012. Commissioner Pearce seconded the motion, which carried by unanimous vote.

Consideration and possible action re: First Reading – Bill 2008-E, Ordinance 103, an Ordinance Approving the Development Agreement between Fallon River Park LLC and Churchill County.

TITLE: AN ORDINANCE PROVIDING FOR APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN CHURCHILL COUNTY, NEVADA AND FALLON RIVER PARK, LLC.

SUMMARY: NRS 278.0201 PROVIDES THAT A GOVERNING BODY MAY ENTER INTO AN AGREEMENT WITH A PERSON CONCERNING THE DEVELOPMENT OF LAND AND APPROVE THE SAME BY ORDINANCE. THIS ORDINANCE PROVIDES FOR APPROVAL OF SUCH AN AGREEMENT WITH FALLON RIVER PARK, LLC. RELATING TO THE FALLON RIVER PARK DEVELOPMENT IN CHURCHILL COUNTY, NEVADA. THIS ORDINANCE ALSO PROVIDES FOR RELATED MATTERS.

Planning Director Lockwood reported that the board approved the tentative map for River Park Planned Unit Development on September 1st 2005 and granted a one-year extension until September 1st 2008. Under NRS 278.360, a final subdivision map must be presented by September 1st 2008 unless the date is extended by an agreement between the developer and the County. Pursuant to the provisions of NRS 278.360(1) and 278.0201(4), a Development Agreement adopted by ordinance may extend the time for filing a final subdivision map. The proposed ordinance and Development Agreement extends the time within which to file the first Final Map and allowing for possible future extensions. At this time the developer has not fulfilled all financial obligations pertaining to the Moody Lane sewer plant and the purchase of

EDU (water) certificates. However, the developer is in discussions with staff and has indicated he will make a good faith effort to make progress toward fulfilling all financial obligations in a timely manner. Commissioner Frey said he noted some typos to be corrected and provided such to Planning Director Lockwood so that they could be corrected.

Commissioner Pearce made a motion to set a public hearing on the proposed Development Agreement at the regularly scheduled Board meeting on August 7th, 2008. Commissioner Frey seconded the motion, which carried by unanimous vote.

Letters Received:

Consideration and possible action re: Letter received from the Department of Taxation regarding the Final Budget for Fiscal Year 2008-2009.

Comptroller Kalt reported that, as noted in the letter from the Department of Taxation, Churchill County's final budget has been examined in accordance with NRS 354.598. The Department found the budget to be in compliance with the law and/or appropriate regulations. The Tax Rate that will be submitted to the Nevada Tax Commission is as follows: Operating Rate \$0.9560, Voter Approved Rate \$0.03, Legislative Override Rates \$0.2369 for a total County portion rate of \$1.2229.

Commissioners directed that we note receipt of the letter in the Minutes of the Commissioner's meeting.

Old Business:

Consideration and possible action re: Resolution 22-08 providing for the certification of the combined tax rate for the levy of taxes beginning July 1st, 2008 and designating the number of cents of each one hundred dollars of property levy for each fund within the provisions of Nevada Revised Statutes 361.460.

A RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF NEVADA REVISED STATUTES CHAPTER 361.460 CERTIFYING THE COMBINED TAX RATE FOR THE LEVY OF TAXES BEGINNING JULY 1 2008; AND DESIGNATING THE NUMBER OF CENTS OF EACH ONE HUNDRED DOLLARS OF PROPERTY LEVY FOR EACH FUND AND OTHER MATTERS PROPERLY RELATED THERETO.

Comptroller Kalt reported that the Board of County Commissioners approved the tax rate at the tax rate hearing on May 19th as noted in the Resolution. The tax rate was certified by the Nevada Tax Commission at their June 26th meeting. The Board of Commissioners must certify the tax rate on the tax rolls prior the tax bills being sent out. The Clerk/Treasurer will apportion the approved tax rate and the Comptroller will certify that the rate applied against the tax roll was the same rate certified by the Nevada Tax Commission. The rate for the County will be \$2.8029 and the City rate will be \$3.64.

Commissioner Frey asked if the fifty five cents on the School District debt service has to go before the voters this year. Comptroller Kalt said that the School District is going to the voters to ask for a rollover bond. The definition of a rollover bond is to rollover the current existing rate. In order to do that reduction that the School District talked about and roll it over at fifty five cents on the ballot in November, their rate starting July 1, 2008 has to be the same. That fifty five cents is more than adequate to pay the principal and interest on their current outstanding bonds. That was the rate that the School District approved on June 5th and we verified that with the Department of Taxation and with the School District because, as the board will recall, they vacillated back and forth as to what that rate would be. If the voters approve the

rollover bond, it would stay at 55¢ in the subsequent period of time that the ballot question will specify. If they do not, that rate would likely be reduced because they are only allowed to have debt service rate for the amount that is necessary to pay off their current outstanding debt.

Commissioner Frey made a motion to approve Resolution 22-08 the certification of the combined tax rate for the levy of taxes beginning July 1st, 2008 as certified by the Nevada Tax Commission in accordance with the provisions of Nevada Revised Statutes Chapter 361.460. Furthermore, authorizing the Clerk/Treasurer to prepare the FY 2008-2009 tax bills. Commissioner Pearce seconded the motion, which carried by unanimous vote.

New Business:

Consideration and possible action re: First Reading of Bill 2008-D, Ordinance 12: An ordinance amending Title 5 Business Licensing.

TITLE: AN ORDINANCE MAKING CORRECTIONS, DELETIONS AND MINOR REVISIONS AND ADDITIONS TO TITLE 5 BUSINESS LICENSES & REGULATIONS, SECTION 5.00.010 DEFINITIONS, 5.00.025 CONDITIONS FOR ROADSIDE/STREET VENDOR TO OBTAIN A BUSINESS LICENSE, SECTION 5.00.070 PENALTY FOR VIOLATION, SECTION 5.04.030 LICENSE REQUIRED FOR ENGAGING IN BUSINESS; EXCEPTIONS, SECTION 5.04.090 PAYMENTS, AND SECTION 5.18 SPECIAL EVENT AND TEMPORARY BUSINESS LICENSE.

SUMMARY: AN ORDINANCE MAKING CHANGES TO THE DEFINITIONS AND REGULATION OF BUSINESS LICENSES FOR CONSISTENCY AND CLARIFICATION, DELETING SPECIAL EVENT AND TEMPORARY BUSINESS LICENSES, AND ADDING ROADSIDE/STREET VENDOR DEFINITION AND CONDITIONS.

Planning Director Lockwood reported that the proposed ordinance amendment will correct inaccuracies and create continuity in Title 5, as well as remove Section 5.18 Special Event/Temporary Business License from the code. At this time a special event/temporary business license is issued to sponsors of events held at the Churchill County Fairgrounds and businesses operating for short time periods from the fairgrounds and other locations within Churchill County. Most Special Event licenses that are issued, particularly for events at the fairgrounds, have been to non-profit organizations, which are not charged any fee, and these require time and effort to review the applications, to ensure vendors for the event have obtained all permits/licenses, and to issue a license. The non-profit organizations using the Churchill County Fairgrounds could be required to only get the rental agreement through the Churchill County Parks and Recreation Department and not a business license, with a few exceptions (see Business License Requirement flowchart). It is believed that requiring all commercial for-profit businesses to obtain a regular commercial business license would create a more uniform licensing procedure. It is recommended that the commercial for-profit businesses, which now apply for a special event/temporary business license, only pay a \$15 fee for each event/location and are primarily roadside/street vendors, could apply for a yearly or quarterly business license, pay the fee established by resolution and be asked to sign an affidavit to abide by certain conditions for public health and safety (see Roadside/Street Vendor Affidavit).

Commissioner Frey asked if the people who are selling agricultural produce that is grown by them and who are set up along the Highway, primarily across from Jetway, do they also have to comply with the other parts of the regulation, such as having permission to use that piece of property, meeting the set back requirements, and parking requirements. Planning Director Lockwood said, in the interest of public safety, the County would like them to. For example, when they set up across from Jetway Chevrolet, they are trespassing, whether they are a fruit vendor or selling trinkets – they are trespassing on rail road property and NDOT property, which is against the law. Wherever they set up for business, the County wants to be sure that it is in the interest of public safety. What will happen is if someone sets up for the weekend and they are not aware of these requirements, the Sheriff, the Health Department and/or the Code Enforcement Officer will go to the vendor to ask for their permits and try to close them down if there is an obvious safety issue.

Commissioner Pearce made a motion to set a public hearing on 8/7/08, to consider Bill 2008-D Ordinance 12. Commissioner Frey seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Request for transfer of funds to the Churchill County Road Department in the amount of \$74,787.51 for the first and final payment on the 2007 Fall Cracksealing Project as approved by the Regional Transportation Commission.

Road Supervisor Lingenfelter reported that the Regional Transportation Commission approved the transfer of funds to the County Road Department in the amount of \$74,787.51 for the first and final payment on the 2007 Fall Cracksealing Project.

Commissioner Frey made a motion to approve transfer of the sum of \$74,787.51 to the County Road Department from the Regional Transportation Commission for the 2007 Fall Cracksealing Project. Commissioner Pearce seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Cooperative study between the USGS and Churchill County on distribution and factors controlling the occurrence of Polonium-210 in the Lahontan Valley.

County Manager Goetsch reported that the U.S. Geological Survey (USGS) has drafted a project proposal to study the distribution and factors controlling the occurrence of Polonium-210 in Lahontan Valley, Churchill County. The primary objectives of the investigation are to determine the spatial distribution of naturally occurring Polonium-210 in Churchill County, the sources of Polonium-210 and the geochemical and hydrological factors responsible for its occurrence and mobilization in Lahontan Valley ground water. The data collected and compiled as part of this research effort over a two-year period, 2009-2010, will provide greater understanding of naturally occurring radionuclides in ground water. The cost of operation and maintenance of this new program study for FY 2008-2011 is \$400,000, which would be a 45%-55% cooperative match. Churchill County's portion for the program would be \$220,000 (55%), with USGS providing \$180,000 (45%). A grant from the federal government has been provided through the Bureau of Reclamation (BOR) to go to the community to match the USGS money in a 55%/45% grant for the studies. They are working with our community, consultants and agencies to determine where the wells should be distributed and to get information to the public about the studies. Polonium-210 is a naturally occurring constituent that comes from the mountains and other communities have dealt with this by using a reverse osmosis or other

treatment system. Reno, Carson City and other communities upstream from us also have high gross alpha challenges but it is easily filtered out and mitigated when you know where it is and what it is. We do not have it in any of the treated water that the City or County currently treat and serve to the public but we do have it naturally occurring in some of the ground waters in other areas of the valley, particularly in the central southern part of the Lahontan Valley. This study will help us to identify where those areas are and to get information to the public on who may need to use reverse osmosis or who may be suggested to hook up to water systems and what the issues may be associated with Polonium-210. The funds will come from grants from the federal government to do this study.

Chairperson Washburn asked if the grant funding from the Department of the Interior is assured because in one paragraph the Agenda Report states that it will be Churchill County's responsibility in the sum of \$220,000 but the fiscal impact states that it is grant funded. County Manager Goetsch replied that because of the issue with federal money matching other federal money, the Department of the Interior can't give money directly to USGS but because of Senator Reid's staff and the farm bill last year, there was money set aside for the Dixie Valley and Lahontan Valley water study, which covers this, and for some other studies that were earmarked for the county to spend as we want to in research and this is where it would be designated.

Commissioner Frey asked why? It seemed to him that when we went through this before, our community took a big hit over water quality because we have constituent in our water that every other community in the western United States or communities near mountains has. The state veterinarian, who has considerable experience in studying the build up of Polonium-210 and radionuclides in livestock, said that you would basically have to drown an animal by forcing it to drink the water before it would even show up in the milk. This looks like another opportunity to take another hit on our community's reputation, which bothers him quite a lot. Why go down this road to take another hit? County Manager Goetsch said he agrees with Commissioner Frey that all of the studies on plants and animals have shown that there is not an issue with this. He thinks this is more like the arsenic issue with other constituents in the past where now that it has been recognized that there is something there, but Polonium-210 is a little bit different in the timing in the decay of uranium from what uranium starts out as until it ends up decaying into lead in the western United States. Polonium is fairly rarely found but uranium is very common throughout the western United States. Polonium suspended in water is fairly rare. He thinks this is simply government doing its job and due diligence to ensure that individuals and families understand that if there are areas where there is higher concentrations that they should have their wells tested, much like we did with the arsenic in the past. We can inform them that that the Polonium is here, we know that we have been here for generations so it may or may not have an affect but we think it is the public's right to know if it is higher in your well than it should be or higher than in other areas of the valley and to suggest to them ways to take care of it by a reverse osmosis system or by making their well either more shallow or deeper or by getting water from another source. It just gives the public all of the information they need to make their own decision of how they want to respond to the constituents in their water. It could be just like with the arsenic when people say they do not care and they will go ahead and drink it unfiltered and other people will choose to take other measures. County Manager Goetsch sees it as a follow up now that we know it is there but we don't know everything about where it is or what its concentrations are and we will provide the public with all of the data and information. Commissioner Frey said the issue has been and it is incumbent upon the people that have private wells to deal with the issue. It is incumbent upon us as a purveyor of a public water

supply that we monitor it now that we know this constituent is in our water. He does not believe that for a half a million dollars that the USGS will test everybody's well and hand them a recommendation for their private wells. To him it is busy work for the USGS but it is not real good on the public relations aspect, which damages our community. He has a problem with it but he understands we have a commitment to providing as much information to our community as possible but this might be an overload.

Commissioner Pearce agrees with Commissioner Frey and he also sees the potential for somebody to make use of the data that is derived from this study in a way that is not beneficial to our community. On the other hand, once you have identified an issue, if you don't study it and come up with your own data, somebody else will and who knows how that will turn out. He leans toward funding the project because it is probably better for us to do it rather than having someone else come along and do it and to come up with questionable data or data that is slanted toward some direction.

Chairperson Washburn said she agrees with both Commissioners. Some of these things are better left alone but at the same time, the issue has been brought forward and at this point we have a little control. If we let someone else do it, the results may not be what we want to see in the end. This may not be either but at the same time we seem to be a bit more scrutinized than other communities. They might say that all of the other communities in the western United States have this same thing but we will be looked at more closely so we probably need to go along with this study.

Commissioner Frey said his comments stem from the frustration of the past release and the mishandling of the information because it was instantly blown up that the reporter from the Soviet Union was killed with this stuff and it is horribly bad. However, a person could be killed with oxygen or with water. The point is that, in signing any agreement to do this work, we must be notified as a community, both the City of Fallon and the County of Churchill, when any release of information will go out so that we can handle it to maintain control of the release of the information. It can harm our agricultural industry greatly and our real estate market in this community.

Commissioner Frey made a motion to approve the project proposal presented by the U.S. Geological Survey for a joint funding agreement to study the distribution and factors controlling the occurrence of polonium-210 in Lahontan Valley, Churchill County and authorizing the County Manager to sign the Joint Funding Agreement contingent upon USGS ensuring that the County of Churchill, City of Fallon, Fallon Paiute Shoshone Tribe, and the Fallon Naval Air Station be kept apprised of any results prior to public release of the information. Commissioner Pearce seconded the motion, which carried by unanimous vote.

County Manager Goetsch said he hears the request loud and clear. On page 15 of the enclosure with the Agenda Report, it states that they will produce and provide for us maps, a data base and coordinate with the University of Nevada and NRCS to publish a brochure that will, in simple language, address what this is about and what the issues are and deliver that to the population for us to disperse to folks here so that it is easily understood. Therefore, UNR, State Health, NRCS, Churchill County, the City of Fallon, and our own Community Health Dr. Hockenberry will be involved in this as it goes forward.

Consideration and possible action re: Appointment to the Planning Commission.

Planning Director Lockwood reported that Ron Simms unexpectedly passed away June 9th. His term was to expire 01 May 2011. Notice was provided in the newspaper in accordance with County policy. The deadline for application submittal was June 27th. Per Churchill County policy and the Planning Commission By-Laws, the Planning Commission Chairman, the Planning Director and the County Manager met and reviewed all applications received. Currently all members of the Planning Commission are county residents and the following demographics apply:

- Mert Mickelson- retired/ emergency management (lives in SE area)
- Tom Lammel- local businessman (lives on Rice Road)
- Deanna Diehl- retired (from ranching family; lives in SW area of County)
- Stu Richardson– farmer/businessman (lives on Swingle Bench)
- Charlotte Louis- retired (from a ranching family in CA; lives west of City limits)
- Shawn Kohltfarber - works at CC Communications (lives in SE)

The Planning Commission membership includes representation from: ranching, business, retired, newcomers, and areas of county (North/NW (growth areas); NE/E/S/SW (ag/low density); immediate south/SW (close to city); Hazen/Swingle Bench. The criteria for the Planning Commission includes:

1. Experience/background

- Working in rural areas
- Recreation/open space management
- Ranching
- Community service

2. Reasons for applying to be on Planning Commission

- Broad/selfless interest
- Community minded
- Understanding of the role of the Planning Commission

The composition of the current Planning Commission would be best served at this time by adding a resident who is involved in business. In addition, a resident who through their active involvement in community activities and interests is aware of important initiatives and would therefore be an asset to the Planning Commission when looking at proposed developments. Staff also strongly support residents who, when applying for a position on the Commission, take time to speak with Planning Commission members or the Planning Department to fully understand the role of the commission and current issues. Based on the above, the review panel recommends the appointment of Steve Crowder to fill the unexpired term of Ron Simms.

Commissioner Frey asked to take a minute to recognize the service that Ron Simms provided. He did very good work and was very dedicated to this community. Commissioner Frey stated that his family should be proud of the service he gave to our community and our condolences go out to the family. He also thanked all of the applicants who applied because people, in general, do not understand how government works. It is nice to have good qualified applicants.

Chairperson Washburn said she was always impressed with Ron Simms and the work he did on the Planning Commission. She knows it was not an easy decision for the review panel. She read the applications but didn't envy the job of the review panel. To have so many good applicants was very pleasing. Particularly since so many of the public she talks to have no concept of how much work the Planning Commission does and how vital it is to our community.

When that is explained to them, it is always a surprise to most people what the Planning Commission actually does. She commended the committee for the job they did.

Commissioner Pearce echoed the previous comments. Ron Simms did an exceptional job and he will be missed. The nice thing about this round is that sometimes we worry about finding one applicant for the job and we have had instances where we had to readvertise for positions, so to have more than one well qualified applicant is a good thing. It made the job harder for the selection committee but they made a good choice. It is nice to be able to make a choice. Planning Director Lockwood said the Planning Commission admired the work provided by Ron Simms and stated that his shoes won't be filled easily.

Commissioner Pearce made a motion to approve Steve Crowder to the Planning Commission to fulfill the unexpired term through May 1, 2011.

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

Consideration and possible action re: Resolution 21-08 requesting the presence of the Attorney General in Fallon Police Department Case No. 8-02903 and providing for all other matters properly related thereto.

TITLE: A RESOLUTION REQUESTING THE PRESENCE OF THE ATTORNEY GENERAL IN FALLON POLICE DEPARTMENT CASE. NO. 8-02903 AND PROVIDING FOR ALL OTHER MATTERS PROPERLY RELATED THERETO.

Civil Deputy District Attorney Jardine reported that the District Attorney is requesting that the Attorney General assume prosecutorial duties associated with the Case No. 8-02903 and that the County Commissioners join in that request. Such request is made owing to a conflict of interest had by the District Attorney in the matter.

Commissioner Frey made a motion to approve Resolution No. 21-08 requesting the presence of the Attorney General in Fallon Police Department Case No. 8-02903. Commissioner Pearce seconded the motion, which carried by unanimous vote.

Consideration and possible action re: FYE 6-30-08 Monetary Transfers.

Comptroller Kalt reported that, as a housekeeping item, the Comptroller's Office reviews the financial position of various funds and makes any necessary monetary transfers before the end of the Fiscal Year. These transfers are requested to increase the available balances in various funds. The transfer will provide resources for subsequent year expenditures upon approval by the Commissioners.

Commissioner Pearce made a motion to approve the Fiscal Year End Monetary Transfers as outlined in the Comptroller's Office letter dated June 30, 2008. Commissioner Frey seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Budget Transfer #03-FY08.

Comptroller Kalt reported that, in accordance with the Local Government Budget Act, the Comptroller's Office would like to submit to the Board of County Commissioners budget transfer #3 for Fiscal Year 2007-2008. In accordance with the Act, the reason for the transfer and the transfer must become part of the official minutes of the meeting. As such, the transfers are to adjust the budget to more accurately reflect the estimated expenditures within the funds based on needs determined by the various departments. The transfers do not increase the overall appropriations within the various funds.

Commissioner Frey made a motion to approve the budget transfers as submitted and make the transfers part of the official minutes of the Board of County Commissioners as required by the Local Government Budget Act. Commissioner Pearce seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Notification of Fiscal Year Federal Payment In Lieu of Taxes and apportionment to various funds.

Comptroller Kalt reported that the County has recently received the annual federal payment in lieu of taxes. The amount received was more than the prior year actual and over the amount budgeted in the current year. The greater than anticipated proceeds were distributed in accordance with the policy adopted by the Board. An additional \$111,704 was deposited into the General Fund to make up for the projected shortfall in CTX revenues as per the apportionment letter.

Commissioner Pearce made a motion to note receipt of the Federal Payment in Lieu of Taxes and approve the apportionment of the funds as recommended by the Comptroller. Commissioner Frey seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Resolution 23-08 establishing the travel expense allowance for Churchill County.

TITLE: A RESOLUTION ESTABLISHING THE TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCE FOR CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

Comptroller Kalt reported that in May 2002, the Board of County Commissioners approved Bill 2002-G, Ordinance 33, amending Title 2 regarding travel expenses and subsistence allowance. That change allows the board to change the allowances to match the standard rates in the Internal Revenue Service Publication 463, Travel, Entertainment, Gift and Car Expenses as published annually by Resolution. Resolution 23-08 seeks to update the mileage rate to match the IRS notification for the period of July 1, 2008 to December 31, 2008.

The mileage rate will be 58.5 cents per mile, up 8 cents from the January 1, 2008 to June 30, 2008 rate. It should be noted that the per diem rates did not change. In an effort to standardize the number of miles to be paid for reimbursement, the Comptroller's Office has prepared a standardized mileage chart using data from the Nevada Department of Transportation for frequently traveled cities by County employees. The intent is to have the employees use the standard mileage for County trips.

Chairperson Washburn said she went to Carson City yesterday and logged the mileage at 133 miles because it was from her home so she thinks adding those few miles is a good thing.

Commissioner Frey said this keeps us from having discrepancies. He stated that the standardized mileage chart is not mentioned in the Resolution itself and asked if it should be included. Civil Deputy District Attorney Jardine replied that as a matter of practice it can be approved by motion of the board and is not necessarily required by resolution. Comptroller Kalt stated that it could be done procedurally. If, through time, it is determined that the mileage needs to be adjusted, we may want to change this document from time to time so embedding it into resolution makes it more difficult. Whatever the board's preference is would be fine but he thinks keeping it outside of a formal resolution would be better but it makes no difference to him. Chairperson Washburn said she thinks because we change the resolution quite often, we would

have to be resetting that mileage chart every time we did a resolution so she thinks it should be kept separate.

Commissioner Frey made a motion to approve Resolution 22-08 establishing the travel expenses and subsistence allowance for Churchill County effective July 1st, 2008, noting the new mileage rate of 58.5 cents per mile.

Furthermore, directing the Comptroller to distribute by separate document a standardized mileage chart to be used for frequently traveled Nevada cities for employee travel reimbursements. Commissioner Pearce seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Performance Evaluation of County Manager.

Human Resources Director Stark reported that Churchill County employees are evaluated by the supervisors and/or department heads at least once per year. The County Manager, who serves at the pleasure of the Board of County Commissioners, should therefore be evaluated by the Board of County Commissioners. NRS 241.031 requires any discussion regarding the professional competence of a chief executive or administrative officer to be done in an open session. Therefore, the performance evaluation of the County Manager must be done in an open session. County Commissioners were distributed evaluation forms to be filled out individually regarding the County Manager's performance. These evaluations were returned to the Human Resources Director, who combined the information into a "summary evaluation" which were distributed to the Commissioners. The ratings submitted by the Commissioners were assigned a point value as follows:

Excellent = 5

Good = 4

Satisfactory = 3

Fair = 2

Unsatisfactory = 1

The point values were then averaged to reach a score for each evaluation dimension.

Churchill County policy calls for a merit increase for satisfactory or above performance. In this case, that would be a rating of 3.0 or higher. An overall rating of 3.0 or higher provides that Mr. Goetsch would be eligible to receive a merit increase but which will be delayed for 6 months as all merit increases have been delayed. In the area of job knowledge the rating was 4.33, interactions and communications was 4.33, job productivity was 4.33, planning was a 4.67, public relations was 4.67, work environment/safety was 4.67 and the overall performance came in at 4.44.

Commissioner Frey commented that he felt the evaluation was a good one and a grade of "excellent" is a very high standard to achieve in everything and is almost unattainable. Human Resources Director Stark said he modified the excellent rating in that last time it read that he always exceeds expectations and now it reads that he consistently exceeds expectations because nobody can do it every time. Commissioner Frey said he is doing a very good job. He doesn't get many complaints within our organization or outside of the organization on issues surrounding his abilities and knowledge. In fact, he quite often gets compliments that our entire team at Churchill County is one of best teams in the State of Nevada as far as working well together and doing good work.

Chairperson Washburn said she also hears the same comments about the team environment here in Churchill County. People in other areas can hardly believe that it is a team spirit rather than fighting between departments. That all hinges on the leadership. She believes

that Brad is providing good leadership to make the team work the way it does and to be recognized the way that it is.

Commissioner Pearce said he agrees and a rating of excellent means, to him, that there is no room for improvement and he can't imagine that. It is almost impossible to achieve that rating because it is almost as if you have reached the top and have no room for improvement and we can all improve. The County Manager has done an outstanding job.

Commissioner Pearce made a motion that the County approve the performance evaluation for the County Manager and approve a one-step merit increase (to be delayed for six months in accordance with the fiscal year 2008-2009 budget). Commissioner Frey second 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. The Nevada Division of Environmental Protection (NDEP) provides notice of its No Further Action Determination concerning the Ruan Transport spill at Sheckler Road and Strasdin Lane.
- B. The Nevada Division of Environmental Protection (NDEP) provides notice of its review of the Product Recovery Report for the Churchill County School District Bus Barn.
- C. The Nevada Division of Environmental Protection (NDEP) provides notice that it has reviewed the Groundwater Monitoring Report for the First Quarter 2008 for the Time Oil Store on South Taylor Street in Fallon, Nevada.

2. REVIEW –

- A. Notification from Churchill County Social Services of the denial of an indigent medical application under Client #10604 pursuant to Chapter 428 of the Nevada Revised Statutes.

3. COMMITTEE AND DEPARTMENTAL REPORTS – None.

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

CONSIDER FUTURE AGENDA ITEMS – No other items other than the public hearings set today. Civil Deputy District Attorney Jardine said with regard to the development agreement on the Agenda he foresees the presentation of an enabling ordinance to allow for the creation and substance guiding us in the receipt of a development agreement. It is an important component of our Consolidated Development Code and our Master Plan, so that will come forward in time to come. Chairperson Washburn asked the Commission Secretary what the outcome had been regarding the August 20th meeting that she will not be able to attend. The Commission Secretary replied that both of the other Commissioners are available so we will hold that date.

COMMISSIONER REPORTS:

CHAIRPERSON WASHBURN: Chairperson Washburn said she attended the CWSD meeting here in Fallon and took a tour of the sewer treatment plant. All of them were very impressed, not just with the plant and its progress but also the potential development in that area and also with

Misha. She asked that we make sure that this information gets passed on to him. One question that one of the members raised is a security concern in that people working there, Misha and the building department staff should be issued name badges so that the official staff could be identified as staff that is authorized by the County to be there and that they are on official business. That may be something to consider. At the LVEA board meeting they completed some budget adjustments since TCID cut their funding to LVEA. LVEA has revamped the work program and made some adjustments to survive another year. She participated in the ribbon cutting at Hazen for the completion of the highway widening project on Highway 50A. It is very nice to have that project completed and that should help CEDA draw businesses into the community because we now have that 4 lane highway. Nevada Rural Housing held a Strategic Planning Conference at Wally's Hot Springs. It was a very nice and relaxing setting to be able to sit in that gazebo while they made plans for the future. Gary Longaker has been there for 5 years so they celebrated his 5 years and all of the progress that organization has made in that time. She met with Willis Swan and some realtors to see if there is an appetite to develop the 523 self-help program where people build their own homes here in this community because there is funding for that program. The group determined that there is room to attempt to build 5-6 homes within Fallon and/or Churchill County over the next year. They will be applying for those funds through Nevada Rural Housing. The first initial meeting for low income housing needs in Churchill County was held here and Brad participated in that meeting. There will be a follow up meeting to that very shortly. They are looking at some different needs than what the initial meeting set at because they may be looking at single mothers and that type of need. The Carson Lake Pasture Users met to develop potential legislation and setting the groundwork to form their own organization. They also developed a list of points for the Environmental Impact Statement, which she will get to County Manager Goetsch in a few days. The CWSD Administrative Committee met yesterday and developed some changes to their personnel policy and job descriptions.

COMMISSIONER PEARCE: Commissioner Pearce said at the hospital board meeting they met with the new administrator, Rex Walk. He is still in the process of assembling a new management team over there. They had an excellent month, which, for a hospital, means there were a lot of sick people during that time. The in-patient rate was up, which is rare for this time of year. They are looking for some new equipment that will be coming in that will provide 4-D ultrasounds. The picture quality is so much better with that piece of equipment. At the New River Business Park the Ambulatory Surgical Center's case load is picking up and has exceeded projections and they continue to see that grow. They saw a presentation from Dr. Smith, who is the new orthopedist. He actually brought patients over to our facility from California. He sings the praises of our hospital and its state-of-the-art equipment and good staff. He finds it a great place to work. We are very fortunate to have acquired him and part of that is due to board action because he happens to be a pilot who flies and met Kurt Henning. He is enjoying the community. The hospital is still working on some adjustments and rearranging the emergency room for a smoother flow of patients, which seems to be working well.

COMMISSIONER FREY: Commissioner Frey said he participated in the Western Nevada Home Consortium teleconference concerning the CAHE loan of \$1.2 million, which they have gone into bankruptcy and took out a 2nd and 3rd on that loan. The board decided to obtain legal counsel to protect the Consortium's position with regard to that loan. He went to Anchorage to visit with his son and went to an air show where they saw some fantastic equipment. He missed

the Library Board meeting because of the trip to Alaska but that meeting was centered around fundraising projects that are ongoing and they are on track and doing well.

COUNTY MANAGER GOETSCH: County Manager Goetsch said he went on the Carson River tour sponsored by CWSD, which was very successful. It was a large group with a lot of federal, state and county employees or officials. The tour started where the Carson River starts in California above Alpine County and followed the river to look at different projects and issues along the river all the way down to Carson Lake Pasture and out to the Stillwater Wildlife Preserve. Eleanor Lockwood and Ernie Schank did a great job making presentations to the group as they debussed and got out to view areas and in answering questions about the Lahontan Valley. Ernie took them to Lahontan Dam and explained how the project works, talked about the dam and water issues. They got a real good look at the low water level and its affects for our community. It was powerful testimony from Ernie. Eleanor ended at Rattlesnake Hill where they could view the 40 mile desert all way to the bottom and see Maine Street, new development and farms. It was an impressive point and it was his first time to view the valley from that hill. It was an extremely impressive viewpoint of the green farms, hay and corn fields, as well as the canals and where they ran. It left people with a good impression of what we have here and why we have water concerns and why we are involved with everybody else in managing the future of the Carson River. Betsy Reike from BOR has retired and there are some rumors that she will be involved with a job in DC if the Democrats win the White House. Ken Parr is filling in for her until they get a new appointee. There is a meeting next week with NDEP, the City and County to determine solutions for the South Maine trailer court issues with sewer and water. One option is for NDEP to say that the trailer court can't meet the requirements of the state and to shut it down. However, that would have an impact on a number of owner occupants there who own many trailers that are older than 1984 and, by law, can't be moved. That trailer court is very close to City water but there are issues with City policy relative to providing water. They are about 6 miles from the nearest County supplied water, which would be about a \$6-\$7million project for us to reach them to provide water. It is a tough problem that we will be facing and discussing. One of the solutions that has been mentioned is the County piping water through the City's system to the trailer court. Those discussions will be taking place with NDEP and he stated that he would be happy to accept any guidance the board could provide before that meeting. He met with the Tribe and BOR because the Tribe has sent a formal letter proposing management of 27,000 acres of federal properties north and west of the current tribal lands. BOR is considering that and is seeking input. Initially, it is a request for management of lands where the BOR could shed its responsibility and have the Tribe manage that as they have tried to get us to manage Sand Mountain on occasion. The Tribe could then make recommendations and set up cultural campgrounds and improvements and even charge fees. The next step, though, would be that the Tribe's goal is to bring that property into the Tribal Trust, in which case they would have complete say and control of that area and close it off to public access if that was their desire in the future. There is a lot of discussion to be had there and he will keep the board apprised. County Manager Goetsch asked BOR to make all of those proceedings public so that the entire community that uses the Indian Lakes area would have an ability to provide input to the process. He had a visit from a group from UCFS, UCSD and Berkley concerning the follow up studies from some California universities on the leukemia cluster. Again, we asked them to keep the elected officials informed of every time they are coming to study and what their goals are and what their conclusions are prior to publishing that information to keep the community apprised of what they are doing. He has a County Manager's meeting within the next 2 weeks

with all of the new County Managers upstream to talk about all of those water issues and some of those things we saw on the CWSD tour and he would like to involve Ed James and CWSD's representation in all of those discussions so that we keep that group together and keep all of the knowledge, issues and questions in the open for everyone to see. The sewer plant is finished except for the electrical connections and hook ups. We are having some challenges out there but the goal is for that to be completed by the end of July so we have about 3-4 more weeks to get those things addressed and straightened out. We should be on track with the large sewer plant on Moody being on line in August. There are a couple of lift stations in the Pine Grove area and in the Fairgrounds that have some repair issues and Misha is working with Alan on that. Those are some unexpected maintenance pop-ups that will be fairly expensive -- \$20,000-\$50,000 range to replace pumps and things. He will continue with physical therapy, which will require that he leave early for 2-3 afternoons a week for about another month but he will then be back at 100%. If the board calls and he has left early, he can be found at Fallon Physical Therapy or the gym doing that physical therapy and rehab work.

COMPTROLLER KALT: Comptroller Kalt provided a written report. With regard to the fiscal year end, we had a number of items on the agenda today. He informed the board that our budget mitigation plan is working out well. With the cooperation of the department heads and elected officials, it has allowed us to get through this hump without having to call a special session of the board to balance our budget. It was great work by all of the departments. For the last 2 weeks we have been working on our computer system conversion. ADS has done a great job given the complexity of our system and moving all of the data and images. It is working well but there are still some issues that they are resolving as they arise. There was only 4 hours of down time during normal business hours. He and Human Resources Director Stark developed an insurance white paper regarding the health insurance pool that we have with CC Communications. The Insurance Advisory Committee made a decision to keep the pool going and management of both organizations was directed to come up with a method of allocating those costs. Currently, we are almost at a stand still so they developed this white paper and sent it to our brokers and they will then have a meeting with management staff of CC Communications to see if they can get it resolved. Once we find something that is mutually beneficial to both parties they will bring it back to the board. As Commissioner Frey said, the Special Legislative Session kind of sets the tone for the upcoming session and it will not be a pretty picture. During the special session, the counties didn't take any hits but we will in the legislative session that will take place. He has been told indirectly to write off the \$250,000 that we get in franchise fees because that will probably go to state instead of local government. He wished everyone a happy 4th of July weekend.

Commissioner Frey commented that he would like to have a letter written from the board commending all of the people who worked so hard to get the Lewis Spill done, including Thaine Ernst, Eric Olsen, Richard Hucke, and Joe Gomes because they organized a lot of that stuff. This is the type of thing that makes us really proud to live in this community. He would also like to send a thank you to the BOR folks who worked with the farmers to see to it that the repair was made in a timely manner. He drove that area and there is very little damage to the corn crops. It is a truly amazing feat to have made a repair that was that major in that short period of time. Chairperson Washburn thanked him for bringing that up because she forgot to bring that up as she intended. They saved the economy of this community for this year for sure.

DEPUTY DISTRICT ATTORNEY JARDINE: Civil Deputy District Attorney Jardine had nothing to report.

CLERK/TREASURER HELTON: Clerk/Treasurer Helton also had nothing to report.

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 10:05 a.m.

APPROVED: _____

Gwen Washburn, Chair

ATTEST:

Kelly G. Helton, Clerk of the Board