

## SEPTEMBER 6, 2023

The meeting was called to order at 8:30 a.m. by Joe Crim, Chairman. Those present were Larry Rackley and Shayla Hudson, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; Lacey Donaldson, Clerk; and Justin Abbott, IT.

**APPROVAL OF MINUTES:** Mr. Rackley made a motion to approve the minutes from July 19, 2023 and August 2, 2023 as submitted. Motion seconded by Mrs. Hudson and passed. Mrs. Donaldson noted that the July 19, 2023 minutes are just over the 45 days.

**PUBLIC INPUT:** There was no public comment at this time.  
Commissioner Rackley welcomed Mike Wilhelm and David Meyer from J-U-B Engineers.

**REVIEW OF ALL AGENDA ITEMS TO DETERMINE IF ANY DO OR DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS:** Mr. Rackley made a motion that no agenda items impose a direct and significant economic burden on a business or directly restricts the formation, operation, or expansion of a business. Motion seconded by Mrs. Hudson and passed.

### UNCLASSIFIED DEPARTMENTS:

**ROAD DEPARTMENT AND LANDFILL** – Dan Hill was present.

Mr. Hill reported that they had a big rain event, which caused damage up Coeur, Antelope, Dago, Jersey Valley, etc. Since he does have it in his budget to hire a part-time person, he asked Brian Greene to come in and help again. Mr. Hill stated that yesterday was Mr. Delavega's second day in a blade, and he is doing well. He has also obtained his Commercial Driver's License (CDL) permit. The new water truck has been put in service and is working well. The crew has been busy fixing washouts and blading. The paving job on Grass Valley Road is done and they will be doing some shoulder work and fixing driveways.

**LANDFILL** – Dan Hill was present.

Mr. Hill reported that Mr. Fillon is doing well, and the Road crew continues helping as they can. Mr. Hill has received a couple applicants and will try to do interviews next week.

**RECYCLING CENTER** – Mr. Crim reported that everything is fine. Cardboard was shipped out yesterday.

**SENIOR CENTER / VOLUNTEER COORDINATOR** – No report.

**BUILDINGS AND GROUNDS** – John Handka was present.

Mr. Handka stated that they have been trying to keep up with the grass and weeds with all the moisture. There are also a couple washouts at the Lone Mountain cemetery. Mr. Handka thanked the City for the use of their lawnmower, ours is waiting on some parts.

Mr. Rackley asked Mr. Handka if he had gotten any quotes for the Airport rental repairs. Mr. Handka stated that with the holiday he hasn't received anything yet. Mr. Rackley also asked if someone needs to be hired to spray weeds out there. Mr. Handka stated that they do the best they can, but the growing season should be coming to an end. He will also put pre-emergent down this fall. Mr. Rackley also asked when Mr. Handka orders fuel. Mr. Handka stated that he waits till it is down to 2,000 gallons.

**LIBRARY** – No report.

**PERSHING CO. FIRE/AMBULANCE** – No reports.

**COMMUNITY CENTER** – No report.

**COOPERATIVE EXTENSION/4-H** – Colby Burke was present via Zoom.

Mrs. Burke submitted a written report. She currently has 160 kids enrolled in 4-H and 30 active leaders. She spoke about the Livestock Show, which was held in May. 52 youth participated and 28 animals were sold. This was the first year that rabbits were exhibited.

IT DEPARTMENT – Justin Abbott was present.

Mr. Abbott reported that since the last meeting he has continued working on the AT&T fiber project. He has started cutting over buildings. The Annex building was done on Thursday and the Admin Building will be next. He is still waiting on AT&T in regard to billing issues. He has been answering questions from Danny Bax. Mr. Abbott doesn't expect a quick resolution to the billing issues, so he is proceeding with caution on the fiber cut overs. Mrs. Hudson asked how long it would take to get our other sites cut over. Mr. Abbott stated that they should all be done by the 22<sup>nd</sup> of this month. He also has some other things that they've been contacted about, but they are in the research stages.

*Salary Resolution, A. Burrows:* Mrs. Hudson made a motion to approve the Salary Resolution for Amanda Burrows, moving her back to full-time status effective September 4, 2023. Motion seconded by Mr. Rackley and passed.

ECONOMIC DEVELOPMENT – It was noted that Mrs. Lusby-Angvick is on vacation.

*Approval for travel/hotel at a higher room rate for two nights to the USDA Rural Partners Network – Federal Partners Forum in Pahrump September 21-23, 2023:* Mrs. Hudson made a motion to approve the travel and higher hotel room rate for two nights to attend the USDA Rural Partners Network – Federal Partners Forum in Pahrump September 21-23, 2023. Motion seconded by Mr. Rackley and passed.

PUBLIC DEFENDER – No report.

#### **ELECTED DEPARTMENTS:**

LACEY DONALDSON, CLERK-TREASURER – Mrs. Donaldson reported that she has finally filled the vacancy in her office. Marisol Happy will start on September 11<sup>th</sup>.

*Approval of corrections or changes to the tax roll for APN #001-122-14, Jade River Group LLC; APN #008-260-13, UNR-TSTH LLC; New Nevada Lands, LLC (54 parcels to be placed in Ag Deferred status):* Ms. Basso-Cerini and Mrs. Hill were present if the Board had any questions.

Mrs. Hudson made a motion to approve the corrections as presented. Motion seconded by Mr. Rackley and passed.

*Approval of higher hotel room rate for County Fiscal Officers Conference September 19-21, 2023 at \$129 (Donaldson, Medeiros & Childs):* Mrs. Donaldson informed the Board that Mrs. Childs would not be attending.

Mr. Rackley made a motion to approve the higher hotel room rate for Mrs. Donaldson and Mrs. Medeiros to attend the County Fiscal Officers Conference September 19-21, 2023 at \$129 per night. Motion seconded by Mrs. Hudson and passed.

As Mrs. Donaldson will be at CFOA, Mrs. Renfroe will be at the next Commissioner meeting.

*Salary Resolutions for S. Renfroe and M. Happy:* Mr. Rackley made a motion to approve the Salary Resolution for Sarah Renfroe, moving her from an Administrative Clerk II, Range 26, Step 4 to an Administrative Specialist, Range 31, Step 1 and the Salary Resolution for Marisol Happy, initial employment at an advance step, Administrative Clerk II, Range 26, Step 2. Motion seconded by Mrs. Hudson and passed.

#### **UNCLASSIFIED DEPARTMENTS, CONT.D:**

CODE ENFORCEMENT – Fran Machado was present.

Mrs. Machado submitted a written report. She also showed the Board some pictures. Mr. Crim spoke about weeds in the Industrial Park behind Rich Machado's house. Mr. Rackley stated those are county lots, so we need to take care of them.

**ELECTED DEPARTMENTS, CONT.D:**

**RENE CHILDS, RECORDER-AUDITOR** – Mrs. Childs gave the Board the month end reports. Mrs. Childs also reported that she transferred money from the General Fund to the Road Department; stating that she doesn't know how we will cover any other shortfalls. She also explained the "percent remaining" column on the month end reports.

*Notification of letter of retirement from Rene Childs, Recorder-Auditor; Declaration of Vacancy of Elected Office; Discussion to proceed with process regarding appointment of vacancy for Recorder-Auditor:* Mrs. Childs stated that she has 1,200 hours of leave on the books, so she will be out quite a bit, and then will be taking vacation leave December 4-31, 2023. Mrs. Donaldson explained that elected officials don't get a pay-out of their leave.

Mrs. Hudson made a motion to declare a vacancy in the elected position of Recorder-Auditor as of December 31<sup>st</sup> and move forward with the process to appoint a replacement to fill the vacancy. Motion seconded by Mr. Rackley and passed.

**LAUREEN BASSO-CERINI, ASSESSOR** – Ms. Basso-Cerini stated that they have been advertising for the Appraiser vacancy with no luck. She also stated that they are working on the reappraisal cycle for the City.

*Request for approval of higher room rate (\$118.00) for Assessor's Fall Conference in Tonopah, NV:* Mrs. Hudson made a motion to approve the higher hotel room rate of \$118.00 for the Assessor's Fall Conference in Tonopah, NV. Motion seconded by Mr. Rackley and passed.

Ms. Basso-Cerini is also having an issue reaching the County Surveyor and has asked Mr. Shields for help. Mrs. Childs stated that there is a new person doing the mining maps and offered his info.

**BRYCE SHIELDS, DISTRICT ATTORNEY** – No report.

**JUDGE KAREN STEPHENS, JUSTICE OF THE PEACE** – *Salary Resolution, R. Torres:* Mrs. Hudson made a motion to approve the Salary Resolution for Rocio Torres moving her from a Court Clerk I, Range 27, Step 4 to a Court Clerk II, Range 30, Step 1. Motion seconded by Mr. Rackley and passed.

**SHERIFF'S OFFICE** – Mr. Rackley stated that Sheriff Allen is working in Dispatch today.

**DERBY FIELD AIRPORT: DISCUSSION REGARDING CARETAKER HOME REPAIRS; CARETAKER POSITION/RENT/RENTAL AGREEMENT; TERMINAL BUILDING MAINTENANCE/REPAIRS AND VEHICLES PARKED ON SITE:** Mr. Rackley spoke about Mr. Handka getting quotes. The carpet and cabinets need to be replaced. Mrs. Hudson asked where the money is coming from. Mrs. Childs stated that there is \$35,000 allocated for building maintenance. Mrs. Hudson wanted to know how many constituents the airport serves and if it is feasible spending this amount of money out there. Mr. Crim asked how much it will take. Ms. Basso-Cerini asked if the board had considered replacing the whole mobile home as the value drops quickly. Mr. Rackley doesn't feel that is the answer. Mr. Crim would like hard numbers before any decisions are made. Mr. Rackley asked what dollar amount can be spent without going before the Board. Mrs. Hudson stated that all of it needs to come before the Board. Mr. Shields stated that elected officials can spend within their budgets, but that doesn't apply to the Commissioners, they need to make joint decisions.

Mrs. Hudson also asked why Mr. Rackley moved two vehicles out there. He said he moved them there as a deterrent. One is a Sheriff's office vehicle, and the Jeep is parked at the residence. Mrs. Hudson stated that new tires were put on the Jeep and wanted to know how those are being paid for. Mrs. Childs received a \$900 bill from the Road Department and there is no vehicle expense line item in the Airport budget. An item will be put on the next agenda to discuss the vehicles.

**COUNTY MANAGER COMMITTEE UPDATE/REPORT:** Committee members Rusty Kiel, Rene Childs and Joe Crim were present.

Mrs. Childs gave the Board an organizational chart and a draft job description.

Mr. Rackley doesn't feel we need a County Manager, nor do we have the money to pay for one, stating that we are too small of a County.

Amanda Burrows stated that we have multiple positions in the County that are being run inefficiently.

Mrs. Childs stated that the County Manager needs to have a financial background, which will be needed when Mrs. Childs retires. A lot of policies are not being followed. She also reported that we just received the 2<sup>nd</sup> payment of LATCF funds, which could be used to fund the position temporarily.

Mrs. Hudson asked Mr. Rackley what the job of a County Commissioner is. Mr. Rackley stated that they have certain departments that are assigned to them to oversee. Mr. Crim stated that their job as Commissioners is to legislate and oversee the County's budget. Unfortunately, the funding is not sustainable.

Chuck Sayles, a member of the public, spoke in agreement for hiring a County Manager. Darin Bloyed, former Commissioner, asked how we maintain the salary. He also spoke about all the current vacancies within the County and retaining the employees that we do have.

Vonni Hemp, County employee, stated that she wished Mr. Bloyed felt that way when he was on the Board. She also stated that two of the Recorder-Auditor employees will be following right behind Mrs. Childs, expressing the importance of the work done in their office (payroll and accounts payable). Mrs. Hemp stated that a County Manager will pick up the slack from the all the departments that have been allowed to do whatever they want. Mrs. Donaldson added that she and Mrs. Childs work very well together, but with three elections next year, she is not going to be able to pick up the slack.

Mr. Crim stated that he is not throwing this information away. He appreciates the work of his fellow committee members, and this will come up again.

**PROCLAMATIONS AND AWARDS: CHRIS SNODGRASS, 20 YEARS AND DAROL GILLILAND, 15 YEARS** – Mrs. Snodgrass was present and presented with a certificate and pin for her 20 years of service in the Recorder-Auditor's office. Mr. Gilliland was not present.

**LIST OF PROPOSED PROJECTS, PRIORITIZING AND CHANGING/AMENDING THE PROJECTS FOR ALLOCATION OF THE COVID-19 AMERICAN RESCUE PLAN FUNDING FOR PERSHING COUNTY IN THE AMOUNT OF \$1,306,252.00:** No changes have been made to the priority list.

The meeting recessed at 9:54 a.m. for a Litigation meeting and reconvened at 10:06 a.m.

**PLANNING & BUILDING DEPARTMENT / IMLAY WATER / PERSHING ELECTRIC:** James Evans was present.

Mr. Evans gave the Board his monthly reports and stated that it has been a busy month. Mr. Evans also took the water samples in yesterday.

REQUEST FOR REVIEW AND APPROVAL OF A SPECIAL USE PERMIT AMENDMENT ON APN'S #003-550-08, #003-550-10, #003-550-12, & #003-550-13 FOR PERSHING SOLAR, LLC. THE APPLICANTS ARE REQUESTING APPROVAL OF THIS AMENDMENT TO DEVELOP A 345kV SWITCH YARD, WHICH WILL INTERCONNECT THE PERSHING SOLAR PROJECT TO THE VALMY-TRACY345kV TRANSMISSION LINE ON ABOUT 15 ACRES OF THE ABOVE MENTIONED PARCELS – It was noted that this came before the Planning Commission on August 3<sup>rd</sup>, and they recommended approval.

Linda Bowlen, Attorney for Pershing Solar, and Matt Gordon from Pershing Solar were also present.

Mr. Evans stated that there was opposition from the same individuals that originally opposed the SUP; however, this proposal just adds additional information to the current SUP. Mrs. Hudson hopes that Pershing Solar addresses those concerns with their neighbors. Ms. Bowlen stated that they will. Mr. Evans added that some of those concerns have already been addressed.

Debra Odle Waggoner spoke in opposition and gave information to Mrs. Wesner for the Board to review. Ms. Bowlen stated that they have also reviewed the information from Ms. Waggoner, adding that they haven't applied for permits with Division of Water at this time as they aren't ready to do so.

The Board did not have any additional questions or concerns.

Mrs. Hudson made a motion to approve the Special Use Permit Amendment for Pershing Solar as presented, based on the recommendation of the Planning Commission. Motion seconded by Mr. Rackley and passed.

**REQUEST FOR REVIEW AND POSSIBLE APPROVAL OF A 2-YEAR TIME EXTENSION OF SPECIAL USE PERMITS ISSUED FOR PERSHING SOLAR ON OCTOBER 20, 2021 (PHASE 2) BY THE PERSHING COUNTY BOARD OF COMMISSIONERS AND THE SUP ISSUED FOR THE PROJECT ON MARCH 4, 2020 (PHASE 1) AND EXTENDED ON MARCH 2, 2022. THESE APPROVALS WERE FOR A 240 MEGA-WATT PHOTOVOLTAIC SOLAR FACILITY AND 180 MEGA-WATT STORAGE FACILITY ON 2,864 ACRES (PHASE 1-2, 154 ACRES AND PHASE 2 – 710 ACRES) OF PRIVATELY OWNED LAND APPROXIMATELY 4 MILES NORTH OF LOVELOCK ON NORTH MERIDIAN ROAD. THIS REQUEST IS MADE PURSUANT TO PERSHING COUNTY CODE 15.18.130 SPECIAL USE PERMIT MAINTENANCE –** Mr. Evans explained the process. Ms. Bowlen stated that the County Code requires progress reports. Mr. Gordon showed a presentation.

Mr. Rackley made a motion to approve the two year time extension of the Special Use Permits issued for Pershing Solar as presented. Motion seconded by Mrs. Hudson and passed.

Mrs. Hudson left the meeting at 10:30 a.m. and later joined by phone.

The regular meeting was recessed at 10:34 a.m. for a joint meeting with the Pershing County School Board.

**JOINT MEETING WITH PERSHING COUNTY BOARD OF COMMISSIONERS AND PERSHING COUNTY SCHOOL DISTRICT TO CONSIDER SEALED BIDS FOR THE LEASE OF WATER RIGHTS HELD UNDER PERMIT #65330 AND #65329 BY PERSHING COUNTY AND THE PERSHING COUNTY SCHOOL DISTRICT, RESPECTIVELY:** Present from the School Board were Michael Mancebo, Cindy Plumber, Marci Carruth, James Evans, and Melissa Shields. Superintendent Russell Fecht was also present.

There was no comment from the public.

One sealed bid was received from Coeur Rochester. They are offering \$60,000 for the initial term of five years, with an option to extend for an additional five years for \$60,000 + CPI.

Mrs. Hudson stated that we could be at risk of losing the water rights at the end of the term, and questioned if \$60,000 was sufficient to mitigate our risk. It was noted that \$60,000 is the appraised value of the water rights.

Don Pattalock, representing Coeur, stated that those water rights could be taken now.

Mr. Shields asked when Coeur would put the water rights to beneficial use. Mr. Shields also stated that the Requests for Extensions are due this month, and asked if Coeur would be willing to help with the paperwork. Mr. Pattalock stated that, without speaking to management, he feels they would be willing to help. Mr. Shields also stated that there isn't a clause that if needed, we could have them back. Mr. Pattalock stated that there isn't, but we could look at an indemnification clause.

Mr. Mancebo asked if we should be renegotiating after the initial five years, as the appraisal value may increase.

Mr. Kiel spoke about decisions from the State Engineers office, stating that we might not get another extension, if there is a chance to prove beneficial use, we might want to do it.

Mr. Shields stated that in the essence of time, with our extensions expiring, both boards should make a decision today.

Mr. Mancebo made a motion on behalf of the School District, to accept the bid from Coeur Mining, with the addition of a reverter and indemnification clause and that an appraisal is completed at the end of five years. Motion seconded by Mrs. Plummer and passed.

Mr. Rackley made the same motion on behalf of Pershing County. Motion seconded by Mrs. Hudson and passed.

Mr. Crim called for any additional public input. There was none.

Mr. Shields stated that both boards need to adopt Resolutions to that effect.

Mr. Rackley made a motion to adopt Resolution #23-0912, approving the lease of ten (10) acre feet of water rights under Permit Number 65330 to Coeur Mining. Motion seconded by Mrs. Hudson and passed unanimously.

Mr. Mancebo made a motion on behalf of the School Board to adopt Resolution #34-0901 to approve the lease of thirty (30) acre feet of water rights under Permit Number 65329 to Coeur Mining. Motion seconded by Mrs. Carruth and passed unanimously.

The special meeting adjourned at 11:04 a.m. The regular meeting reconvened at 11:05 a.m. to recess at 11:06 a.m. for the Liquor Board meeting.

**LIQUOR BOARD:** The Liquor Board meeting was called to order by Chairman James Evans. SAFE HAVEN WILDLIFE SANCTUARY REQUEST FOR APPROVAL OF NON-PROFIT/SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THEIR 1<sup>ST</sup> ANNUAL FALL FESTIVAL FUND RAISER ON SEPTEMBER 30, 2023 – Mr. Evans reported that all paperwork is in order. Mr. Rackley made a motion to approve the Non-Profit/Special Event Liquor License Application for Safe Haven. Motion seconded by Mr. Crim and passed.

ORP CORPORATION, DBA RYE PATCH CHEVRON, REQUESTING APPROVAL OF A CLASS 2 LIQUOR LICENSE TO SELL PACKAGED LIQUOR FROM THEIR BUSINESS IN RYE PATCH, NV. THE APPLICANT IS IN THE PROCESS OF OBTAINING APPROVAL FOR THEIR BUSINESS LICENSE AND IS REQUESTING APPROVAL TO OBTAIN A LIQUOR LICENSE – Mr. Evans explained that these are the new owners. Their Business License application is still pending.

Mr. Rackley made a motion to approve the Class 2 Liquor License for ORP Corporation, dba Rye Patch Chevron. Motion seconded by Mrs. Hudson and passed.

As there was nothing further to come before the Liquor Board, Mr. Evans adjourned the meeting at 11:09 a.m. The Board of Commissioners reconvened at 11:09 a.m.

**PERSHING COUNTY HOSPITAL BOARD OF TRUSTEES VACANCY INTERVIEW AND APPOINTMENT:** Mrs. Donaldson stated that she received one letter of interest, but the applicant has since rescinded their letter. She will readvertise.

**REPORT FROM LEGAL COUNSEL:** Mr. Shields didn't have anything to report.

**REPORT FROM ADMINISTRATIVE ASSISTANT/HR REP:** Mrs. Wesner reported that everything is going fine. There is a Pool/PACT training scheduled for September 12<sup>th</sup>, but she has only received confirmation from five department heads, so the training may become a virtual training.

**ITEMS FOR FUTURE AGENDAS:** Mrs. Hudson stated that an agenda item is needed for the Imlay Water System Contract. Mr. Shields stated that he reviewed the contract and had no issues. She also stated that another Water Application has been filed and we need to submit a protest. Mrs. Wesner stated that she has already advertised in regard to this application, and we will have a public hearing on October 4<sup>th</sup>.

**CORRESPONDENCE:** There was no additional correspondence discussed.

**BOARD MEMBER REPORTS, BOARD LIAISON REPORTS:** Mrs. Hudson met with Lt. Governor Anthony last week in regard to Economic Development. She is currently on her way to Carson for the Water Working Group. Central Nevada Water Authority and Humboldt River Water Basin Authority both have meetings coming up. Mrs. Hudson would also like an update from the Boys and Girls Club on the next agenda.

Mr. Rackley stated that the Airport Advisory Board has a meeting next week.

Mr. Crim attended a Library Board meeting. There were issues with their agenda. The Museum Board also had a meeting, but he didn't attend.

**PUBLIC INPUT:** There was no public input at this time.

**APPROVAL OF VOUCHERS:** Mrs. Hudson made a motion to approve the vouchers as submitted, with the exception of vouchers for Vendor #556, Larry Rackley and Vendor #521, BSL Electric. Motion seconded by Mr. Rackley and passed.

Mrs. Hudson made a motion to approve the voucher for Vendor #556, Larry Rackley. Motion seconded by Mr. Crim. Mr. Rackley abstained. Motion carried.

Mr. Rackley made a motion to approve the voucher for Vendor #521, BSL Electric. Seconded by Mr. Crim. Mrs. Hudson abstained. Motion carried.

As there was nothing further to come before the Board, the meeting adjourned at 11:29 a.m.

Approved 10/04/23: \_\_\_\_\_ /s/  
Joe Crim, Chairman

Attest: \_\_\_\_\_ /s/  
Lacey Donaldson, Clerk