



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, MAY 6TH, 2014 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

MARSHALL MCBRIDE
CHAIRMAN

BILL MADDUX
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. CALL TO ORDER AT 10:00 A.M.
2. PLEDGE OF ALLEGIANCE
3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for May 6, 2014
4. DISCUSSION/POSSIBLE ACTION: Approval of Minutes for April 15, 2014

CONSENT AGENDA

(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. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

5. For possible action approval of the First Judicial District Court proposed budgets for fiscal year 2015 in the amount of \$29,045.48 and fiscal year 2016 in the amount of \$29,814.03 for reimbursement from the State Child Support Enforcement Program.
6. For possible approval first reading of Liquor License for Philly's NV located at 420 USA Parkway
7. For possible action approval of Licensing Board First Reading:
 - a. Idea Drilling- General/1997 9th Ave, Virginia, MN (mining contractor)

- b. Summerwinds Resort Services, LLC - General/164A C Street, VC (timeshare sales)
- c. Streamline Construction, INC - Contractor/8445 Sierra College Blvd, Granite Bay, CA (contractor)
- d. Gold Hill Printers - Home Business/1230 Main Street, Gold Hill (printing novelties)
- e. Intelligrated Systems, LLC - Contractor/7901 Innovation Way, Mason OH

END OF CONSENT AGENDA

- 8. **DISCUSSION (No Action - No Public Comment):** Committee/Staff Reports
- 9. **BOARD COMMENT (No Action - No Public Comment)**
- 10. **DISCUSSION/POSSIBLE ACTION:** Approve ordinance 14-257 of the board of county commissioners of Storey county, Nevada authorizing and directing the issuance of a sewer revenue interim debenture, series 2014 in anticipation of the receipt of certain funds and the issuance and sale of a sewer revenue bond of the county therefor; providing the form, terms and conditions of the debenture, the security therefor, the sale thereof, providing for adoption as if an emergency exists, and providing other details in connection therewith.
- 11. **DISCUSSION/POSSIBLE ACTION:** Appeal from Ardagh regarding the Storey County Building Officials determination for building permit fees.
- 12. **DISCUSSION/POSSIBLE ACTION:** Approve the second reading of Ordinance No. 14-256 changing the name of the 474 fire protection district, amending the description of the boundaries of the 474 fire district to include all of Storey County and deleting Chapter 2.57 of the Storey County Code to reflect the dissolution of the 473 fire protection district.
- 13. **DISCUSSION/POSSIBLE ACTION:** Approve first reading of ordinance 14-255 deleting Storey County Code chapters 8.12 Fire Hazards, 8.16 Fire and Explosive, and 8.20 Alarm Systems and amending chapter 15.04 Buildings and Construction to adopt new uniform codes including fire and, building and constructions amending chapters 15.04, 15.08 Building Official, and 15.12 Permits to make amendments to the codes for Storey County specific requirements for other properly related matters.
- 14. **DISCUSSION/POSSIBLE ACTION:** Resolution 14-397 of the Storey County Board of County Commissioners to place an advisory question on the ballot at the 2014 general election regarding a revision to the boundary between Storey County and Washoe County, in an area commonly known as "Sunny Hills."
- 15. **DISCUSSION/POSSIBLE ACTION:** Approval of Payroll Check date 03/28/2014 for \$367,647.69, date 04/11/14 for \$472,598.18, date 04/24/14 for \$369,371.63 and Accounts Payable date 04/04/2014 for \$254,057.20 and \$3,052.72 and 04/18/14 for \$689,976.61 and \$4,162.01.

COMMUNITY DEVELOPMENT AND PLANNING

- 16. **DISCUSSION/POSSIBLE ACTION:** An amendment to the Special Use permit 2014-049 to widen a top portion of an existing commercial wireless communications facility (existing "flag-pole" cell tower) from 27 inches to 36 inches diameter in order to accommodate additional

wireless communications antennas. The existing facility applicable to the request for amendment is located at 911 Highway 341 Gold Hill Divide, Storey County, Nevada (APN 002-023-11). This file was continued at the April 17, 2014, Planning Commission meeting so that the applicant may continue working with staff on recommended conditions of approval. The Applicant requests to be heard at the June 5, 2014, Planning Commission and at the June 17 County Commission meeting.

17. DISCUSSION/POSSIBLE ACTION: Special Use Permit application to convert an existing detached garage into a mother-in-law quarters at 2061 Cartwright Road (APN 003-092-86), Virginia City Highlands (1 acre), Nevada.

18. DISCUSSION/POSSIBLE ACTION: To amend Special Use Permit No. 2013-003 include portions of two adjacent parcels and to exclude certain portions of land. The existing SUP boundary includes all land within APN 004-301-06 located approximately in the SE1/4 of the NE1/4 of Section 20 T17N, R21E (MDB&M). The proposed area to be added includes portions of land within APN 800-000-69 located approximately in Section 20 T17N, R21E (MDB&M); and APN 004-301-05, located approximately in the NW1/4 of the NE1/4 of Section 20 T17N, R21E. The modified SUP will exclude any land west and northwest of State Route 341 Right-of-Way. The SUP is for the placement and operation of two portable (temporary) ore processing mills and ancillary uses for the processing of ore originating from the subject property as described in the submitted SUP application, and for the temporary placement of a shelter to house the processing mills

19. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. Southland Industries - General/114 Megabyte (HVAC, Plumbing Design) TRI
- b. Timmons Group, Inc. - Contractor/1001 Boulders Pkwy, Richmond, VA (Ardagh Supplier)
- c. Cross Check Services, LLC - Contractor/1264 Lanny Lane, Olympic Valley, CA (Forestry)
- d. Conco & Conco Pumping - Contractor/5141 Commercial, Concord, CA (Neptune Contractor)
- e. D.C. Electrical - Contractor/7771 Shalestone Way, Reno (Contractor)
- f. Philly's NV - General/420 USA Parkway (Restaurant) TRI
- g. Mark Twain Community Center - Non-Profit/500 Sam Clemens Street, MT
- h. Randa Accessories - General/700 USA Parkway, TRI

20. PUBLIC COMMENT (No Action)

21. ADJOURNMENT

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the

agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.

- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

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CERTIFICATION OF POSTING

I, Vanessa Stephens, Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before April 30, 2014; Virginia City Post Office, Storey County Courthouse, Virginia City Fire Department, Virginia City Highlands Fire Department and Lockwood Fire Department.

By 
Vanessa Stephens, Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: May 6, 2014

Estimate of time required: 5 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Approval of minutes for May 6, 2014

2. **Recommended motion:** Approve minutes as submitted.

3. **Prepared by:** Vanessa Stephens

Department: Clerk & Treasurer

Telephone: 775 847-0969

4. **Staff summary:** Minutes are attached.

5. **Supporting materials:** Attached.

6. **Fiscal impact:** N/A

Funds Available:


Fund:

____ Comptroller

7. **Legal review required:** N/A

____ District Attorney

8. **Reviewed by:**

 Department Head

Department Name: Clerk & Treasurer

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, APRIL 15th, 2014 10:00 A.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Roll Call: Chairman Marshall McBride, Vice-Chairman Lance Gilman, Commissioner Bill Sjovangen, District Attorney Bill Maddox, County Manager Pat Whitten, Comptroller Hugh Gallagher, Clerk & Treasurer Vanessa Stephens, Deputy District Attorney Anne Langer, Public Works Director Mike Nevin, Sheriff Gerald Antinoro, Community Development Dean Haymore, Communications Director Dave Ballard, Fire Chief Gary Hames, Community Services Cherie Nevin, Tourism Director Deny Dotson, Justice of the Peace Eileen Herrington, Recorder Jen Chapman, IT Director James Deane, Senior Planner and Administrative Office Austin Osborne and Outside Council Robert Morris.

1. **CALL TO ORDER AT 10:00 A.M.**

The Chair called the meeting to order at 9:59 a.m.

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

Passing of Joe Dini - Chairman McBride spoke on the life and contributions of Mr. Dini. Mr. Dini's funeral is today at 11am in the Yerington High School gymnasium. Retired Storey County Recorder/Auditor, Maggie Lowther will represent Storey County by attending. A moment of silence was recognized.

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for April 15, 2014

Mark Joseph Phillips, Virginia City resident, asked that item 10 under the Consent Agenda be clarified prior to approval as a regular item. In the past the amount and parcel number has been included in the agenda item.

Motion: Approve the agenda for April 15, 2014, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (summary: Yes=3)

Pat Whitten addressed Mr. Phillip's concerns explaining that a full explanation was provided in the packet. The refund to be approved is \$1,713.15.

Motion: Approve item 10 on the agenda for April 15, 2014, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

DISCUSSION/POSSIBLE ACTION: (originally listed as item #14) Recommendation to award contract to successful bidder for the construction of the Virginia City Sewer Improvement Project Phase I in the amount of (TBD).

Greg Lyman, Farr West Engineering: Bids were opened last week and the low bidder was Q & D Construction. He described the scope of the project and the bidding process. They were happy that the bids were all within budget and the low bidder has experience in this type of construction and a good working history.

Public Works Director Mike Nevin: Extended a thank you to Farr West Engineering for all their hard work and Cherie Nevin for her work on the grants. He complimented Q&D Construction as a long-time upstanding business and contractor in the community. He is thrilled that the project manager, Ed Burnet actually lives in Virginia City and some other employees of Q&D live in the Highlands so there will be local contacts and involvement in the project.

Lucas Tipton, Far West Engineering: Announced that the low bid was in the amount of \$4,182,500.00 and that the high bid was \$5,454,123.00. The project was broken down into a base bid and six alternate bids. The USDA funding requires the amount to come in below a certain amount, so sometimes it is beneficial to break it down and award them later. Bid alternate #2 is for an 8" water line down to the site to provide minimum fire flows. Right now it is a 2" line. Bid alternate #6 is for various sidewalks throughout the site. So that base bid if you add bid alternate #2 and #6 is \$4,346,950.00. The total that USDA committed to the project was a loan of \$3,002,000.00 plus grant funding of \$2,312,794.00. Remaining funds that are unused with phase I of this project will likely be rolled into future phases of which there are five currently planned.

Motion: Approve award of contract in the amount of \$4,346,950 to Q & D Construction for the construction of the Virginia City Sewer Improvement Project Phase I pending the approval of the USDA Rural Development, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

DISCUSSION/POSSIBLE ACTION: (originally listed as item #15) Cease all funding to Jeep Posse as requested by Kay Dean.

Kay Dean, Highlands resident: As citizens we expect organizational leadership and sound and transparent financial management from our commissioners. The issues surrounding the Jeep Posse have been brought to your attention several times. If the best you can do is to have spent money under false representations, and when it came to your attention, you continued spending the money; this is not good financial management or leadership.

While it may be LEGAL to fund this group I believe to continue funding an organization such as the Jeep Posse is inappropriate and fiscally irresponsible. The Jeep Posse group represents about 1% of the population and yet is budgeted to receive \$10,000. If the county can afford this, then they should also be able to afford to give \$10,000 to any and all groups of thirty people or so, non-profit status not required! This sets a terrible precedent, in my opinion. There are many worthwhile charitable groups in this county who have struggled to make ends meet over the past few years. Discretionary spending is so limited in these times of fiscal restraint. To be fiscally responsible is to spend funds wisely and where they can have the most benefit for the most in need, not a chosen few.

The lack of disclosure and conflicts of interest are also quite troubling. Two county officials who signed lease agreements with the cell phone companies are also members of the Jeep Posse, as is the Comptroller. The Jeep Posse was given half of the revenue, with no disclosure regarding these relationships at any time. This not only violates state and county ethics policies it jeopardizes the state and federal grants that the county relies on since each grant requires that the county uphold federal standards for Civil Rights and lack of conflict of interest in ALL of its dealings, not just pursuant to that contract. I have two examples of this language on a grant attained and signed by the county.

The biggest reason I became involved in what I perceive to be an abuse of spending has nothing to do personally with the Jeep Posse. I have volunteered at the Senior Center, off and on, for about a dozen years or so, and the Center is experiencing difficult financial times. It is heartbreaking for me to know the director holds checks back, waiting until there are adequate funds. The stress of wondering if there will be enough to cover payroll, the food and utility bills, while still providing a safe place and a healthy meal to the elderly segment of our population goes unnoticed by many in this community, but because I volunteer in the office I am well aware of it. And this is my primary motivation. Once again, to be fiscally responsible is to spend funds wisely and where they can have the most benefit for those most in need.

Regardless of whether the County can legally fund any group it desires in the Community Support section of the budget, equal parameters and requirements should be upheld by all recipients to receive funds. The Jeep Posse did not submit any summary of their activities and service contribution in the tentative budget like all the other community service groups. The Community Chest is an example of a true community service organization that is transparent in its activities and provided a full report on past and future services as part of the county's tentative budget. The Jeep Posse submitted nothing and still got funded.

This is NOT equal treatment and this bias shown by the Commissioners is at the very least disturbing. With the commissioners still holding the position that the payments to the Jeep Posse is a revenue share, why do they also show this as county support to a community service group? Since December 2012 the Jeep Posse has not been involved with the Sheriff's Office for any rescue activities. So what specific charitable and civic purposes has the Jeep Posse been involved in to justify this level of funding each year?

I would now like to summarize facts, in addition to those you have already been made aware of, that I have discovered during my research into statements made to me about the Jeep Posse by this commission:

I would like to note that I received a copy of a lease from the Clerk's Office last week that was evidently found in a box. It is a lease for the Ice House between Storey County and the Jeep Posse, and is purported to be from 1974, although the only date on the document is on the Engineer's parcel description. (8/22/74)

I noted there is no automatic renewal in this lease, which runs from 1974 for 5 years, and thus ended in 1979. It could have been extended according to the document, based on such reasonable terms as may have been agreed upon. But there is evidently no record of any future leases or renewals. Or maybe they are in boxes still, waiting to be found.

But the lease was very specific in what the Jeep Posse was actually leasing; "THE SAID STRUCTURE". The paragraph before this noted the parcel containing this structure, and an engineer's report described the land parcel. The lease specifically pertains to THE STRUCTURE on the parcel, as it clearly states. The cell tower was NOT erected on this structure; it was erected on other property owned by the county.

The Jeep Posse is not a party to the contract with the cell phone companies. There is no legal requirement to share the cell phone revenue with the Jeep Posse. The County has represented this explanation as a justification as to why the funds were given to this group each year since 2006, totaling over \$60,000. This has not been a true or accurate description and was a misrepresentation of the situation to the residents of this county. And I believe this is something that the commissioners should set the record straight on, and acknowledge that it was not revenue sharing based on a contract, but an optional CHOICE made by the commissioners.

I am not a lawyer or a legal expert. The Virginia City News noted in July 2013 that the Jeep Posse had only then applied for a 501c3 status and yet have been operating for years as if they were already approved. As a citizen and fiscally concerned resident, I think the IRS should have all pertinent information in order to fully evaluate this application. It appears the Jeep Posse's own by-laws, in addition to state and federal regulations were violated by giving scholarships to family of Jeep Posse members and non-Storey County students. It is considered self-dealing and personal gain to do so.

The record keeping, based on the auditor's report, does not comply with the requirement for accurate record keeping for non-profits. And perhaps taxes will be due on the funds that the Jeep Posse has previously received. It is my understanding that since 2007 even non-profits have been required to file returns. We can disagree about this, but I think eventually the IRS will become involved and perhaps other agencies also. The IRS states that a non-profit's governing body bears the ultimate responsibility for setting ethical standards and ensuring they permeate the organization. And their decision will be the one that all must comply with.

To spend limited resources on a group like the Jeep Posse is fiscally irresponsible in my opinion. In the past, perhaps you were unaware of the facts. But it is difficult to understand why you would choose to continue to provide funding to a group that will most likely come under investigation and provides negligible benefit to the community compared to the other groups. But perhaps investigative and subpoena powers are what is needed to ascertain the facts and motives behind this. An investigation that begins with the Jeep Posse may lead to the discovery of other violations within the county.

In closing, I would like to add that I find it personally disturbing that I am hearing so many rumors regarding my safety. No resident of this county should fear for their physical well-being because they are exercising their first amendment rights of free speech.

Ms. Dean distributed six sets of documents.

Jim Miller, former Storey County Sheriff and proud member for the Storey County Jeep Posse: I grew up here and the people of this community matter to me and to the members of the Storey County Jeep Posse. I'd like to tell you a little bit about the Jeep Posse and answer some of the claims that have been made.

The Storey County Jeep Posse is composed of respected, knowledgeable community leaders. Many of our members are trained in emergency response and crisis management. We have people with:

- Background as EMT's
- First Responders
- Fire fighters
- Law Enforcement
- Air Search and Rescue
- Former military
- Pilots
- Administrators
- Supervisors
- Accountants
- Managers
- Contractors
- Carpenters
- Elected officials
- A significant number of our members know this county inside and out, including old mines and abandoned shafts
- I personally set up and operated the Elko County Sheriff's Office Search and Rescue

Each Posse member brings with them their own set of expertise and skills which have been offered to this community for over five decades. These are people who truly believe in the following statement which is in our bylaws: "To help, aid and assist the residents and property owners of Storey County, residents of neighboring counties and any and all persons found to be in need of assistance."

There are many different ways in which this private, volunteer organization has served this community, which I will outline in more detail in just a moment, but I wish to clarify that these are NOT "untrained individuals" nor is the Jeep Posse a "purposeless organization" as the current sheriff, Antinoro, stated in an email. It is also NOT true that the "Jeep Posse might run you off the road" as a concerned citizen was told or that they are corrupt and in collusion with the county to take county funds. You have received a great deal of totally false information that I'd like to correct. This certainly appears to be a vendetta to discredit both the Jeep Posse and the county.

HISTORY

The Jeep Posse was first organized in 1962 by Jack Cross, Jim Turney, Clark Jordan, Pard Hoskins and Fred Garrett. Only one of these five founding members is still with us, Fred Garrett-long time Virginia City businessman, entrepreneur, and former county commissioner. The 17 member group used their own 4-wheel-drive vehicles equipped with personally purchased Citizen Band Radios. They purchased a 4-wheel-drive ambulance and even had access to a plane that they labeled the Virginia City Air Force. Many of the original members were also members of the Virginia City volunteer fire department or were in law enforcement. In the early years, the Posse was headquartered in the Fire Department and was actively involved in search and rescue including mine rescues and missing persons.

THE ICE HOUSE 99 YEAR LEASE

In the early 70's, the organization began looking for a larger place to house equipment and to have a meeting and training area. There were concerns at the time that the county might have to demolish the Ice House because it was in very poor condition and could possibly be a danger to the community. The Jeep Posse discussed this with the County Commissioners and said they would restore the building if they could lease it from the county. The original agreement was that the Posse could request limited funds from the county one time yearly and that those funds would be used for the purchase of materials for the rehab.

The lease included the building and the surrounding land. The lease fee agreed upon was \$1.00 per year for 99 years. We have a copy of the original lease and there is documentation for the payment in full of \$99 for the 99-year lease from the County Clerk, Kathy Hilton. This payment is also confirmed in the minutes of the commissioners meeting on that same date. I talked to Kathy Hilton directly and she remembers it clearly.

When the Jeep Posse began to work on the Ice House, they discovered that the building was in pretty bad shape. In that first year alone, the Posse installed a new concrete floor, added bracing to the building, installed windows and contributed more than 1600 hours of work and \$1200 of materials. At that time, the county contributed \$600, with the rest of the materials and all the labor donated by the Posse members.

Although the county no longer pays directly for any of the building maintenance and restoration, work on the building continues. Jeep Posse members, especially those with construction background, do all the restoration work on the building. Members are never paid a salary, but are reimbursed by the organization for out of pocket expenses. As noted in the agreed upon procedures report, done by an accounting firm in Reno that I will talk about in just a minute, the walk-in refrigerator was replaced in 2011 Other recent improvements include replacing a block retaining wall, adding a new roof, and expanding the parking area.

This lease agreement is definitely an example of another way in which the Posse contributes to our community by maintaining this historical building.

SUBLEASE

Since we're looking at the historical aspects of the relationship between the county and the Jeep Posse, let's address what led up to the lease for a cell tower. About 2005 the Jeep Posse was approached by the county regarding the subleasing of part of our master lease of the Ice House and

property for the placement of a cell phone tower. It was to be placed on the hill near the Ice House and on our leased property.

We voted to approve and entered into a verbal agreement with Storey County for subleasing part of our property for a cell tower and equipment. We were to receive the full revenue from the sub lease but we are not equipped to process the documents and handle the accounting involved with the payments and the permits so the County agreed to manage all of that paperwork.

We agreed to pay the County half of all revenues received from the Cell Companies for those services. Storey County would receive the checks from the cell phone company, process the payments, keep their share for services rendered (which is half) and give us a check quarterly for our half. In about 2008 we were approached again about adding an additional equipment room for another cell company and we voted to keep the same arrangement for the addition.

The actual terms that we agreed upon do not have the County paying us for anything. Instead we agreed to pay half of the revenue from the cell tower to the County to process the paperwork and to handle the lease agreement.

Again, because of a mutually beneficial agreement ...

- The Jeep Posse is able to have additional funds to continue with their service to the community;
- The county continues to have a caretaker for an historical building which is available for worthwhile community events;
- And cell phone coverage/broadband is provided for the area.

CONTRIBUTIONS TO THE COMMUNITY

I'd like to discuss in more detail, some of the Jeep Posse's contributions to the community. Although originally the Posse served almost entirely as a search and rescue entity, our bylaws state that our purpose is to "help, aid, and assist."

As an organization, we have broadened our focus over the years from search and rescue to many different forms of community service, especially those that assist the youth of our community. Our charitable efforts and contributions are NOT big publicity generators. But, let me tell you a few of the things we have done:

- Given annual scholarships
- Offered donations to community events
- Helped with crowd control
- Cleaned parks
- Found lost tourists or stranded hunters, including all night searches
- Worked annually for VC Grand Prix
- Worked to restore and maintain the Ice House
- Provided an area for 4-H programs
- Trained and involved in mine rescue and recovery
- Fenced off mine shafts
- Installed 200 yards of fence line above the Houston Pit in Gold Hill
- Facilitated community use of the property for worthwhile events

- Worked with the annual 100 mile Horse Endurance Ride
- Donated \$5000 worth of hams and turkeys in the last seven years and helped Community Chest with the distribution
- Went door to door in the Highlands during wild fires to notify people of a possible evacuation and to see if any additional help would be needed if they had to evacuate.

Whatever the type of service – we don't immediately stop for a photo op or to submit an article to the paper. We just get the job done. We're more concerned with the outcome than we are with the credit. I don't think that sounds like a "purposeless organization!"

Annually, as I mentioned, we have also given scholarships to students. Students must have a 3.0 grade point average and must have portrayed himself or herself as a person of character and as a positive and contributing member to their school and community.

These scholarships have NEVER been limited to relatives of Posse members. Any private organization has the option of having any restrictions that they choose but we recently rewrote the selection criteria to clarify that we do not restrict these awards in any way but that the awards are given to the most qualified individuals. In addition to the annual Virginia City High School Scholarships, we have also given donations to other individuals and events, again always with the focus on youth. Since the mid-90's, we have donated over \$40,000 for scholarships.

Some have expressed concern about ties between the Jeep Posse and the County. Storey County is a small community. People who care about this community and who "step up" when needed to serve and to offer assistance will do that in ALL aspects of their life...

- Whether it's meeting the needs of the county through their day job as a county employee, an EMT, a firefighter or even running for an elected position
- Or whether it's being part of a service organization, like the Jeep Posse.

Yes, there are ties. There always will be, when people care.

FINANCIAL BACKGROUND

I would like to clarify a little of the financial background of the Jeep Posse. There have been UNFOUNDED accusations of misconduct or improprieties.

Let's start with the difference between non-profit organizations vs. 501(c)3's, bearing in mind that I'm not an accountant. We have, however, contacted the Secretary of State's Office, the IRS, and consulted with a tax specialist.

A Domestic Non-Profit Corporation Designation is granted at the state level through the Nevada Secretary of State. Storey County Jeep Posse applied for and received this status on April 24, 1970, when it submitted Articles of Incorporation to the Nevada Secretary of State. We file the list of Jeep Posse officers annually, as can be seen on the Secretary of State website.

A 501(c)3 designation, however, is a tax exempt status given by the IRS. If this designation is approved by the IRS, then a non-profit corporation may also apply to the Nevada Department of Taxation for state tax exempt status. If approved at the state level, the organization can then be considered tax-exempt by both the IRS and the State of Nevada. There is, however, no requirement

for any organization to apply for tax exempt status from either the IRS or the Nevada Department of Taxation.

- Storey County Jeep Posse has never applied for an IRS 501(c)3 tax exemption or a Nevada tax exempt status. We do not claim that donations to our organization can be written off as deductions on anyone's taxes.
- We are not now nor have we ever been delinquent in paying income taxes, which has been confirmed by the IRS. We do not file or pay income taxes because the organization does not have any filing requirements with the federal government.
- The Posse does, however pay sales tax on all purchases that are made
- Storey County Jeep posse meets all state requirements and is a Domestic Non-Profit Corporation registered annually with the State of Nevada.

AGREED UPON PROCEDURES REPORT

Next, let's talk about the Agreed upon Procedures Report which was done by Muckel Anderson CPAs in Reno. This was not an audit nor did WE release this document to the public. One of the people who expressed concerns about this report, Nicole Barde, said she was given the report and bylaws by Mr. Antinoro.

However, we are willing to address her concerns and those of Kay Dean and others, if at all possible. Even when I was still Sheriff of Storey County and was working closely with the Jeep Posse, I discussed the financial recordkeeping of the organization. Organizations need to have strong financial policies and procedures in place. When we, as an organization, reviewed this document from Muckel Anderson, which we paid for, it was clear that they had no way of knowing what our current financial process was or what safeguards we already had in place.

For example, at each monthly posse meeting, the expenditures with receipts for the month have always been reviewed and then approved by the full membership. All money received at the annual Jeep posse BBQ is counted by at least two members, locked up by a member until the next banking day, deposited by the treasurer, and then the amount of the deposit confirmed as correct.

We have since rewritten the bylaws to clearly outline our financial oversight, including these two previous examples, and to improve our procedures in a new section entitled Financial Transactions and Record Keeping. Whenever we find there is a better way to do something, we will take the necessary steps to make those improvements. Let's look at the six specific comments in the Muckel Anderson report that we received:

1. Missing documentation: As just mentioned, the receipts DID exist and were approved at each meeting. We have addressed improving our financial procedures in our revised bylaws
2. Expenditures on alcohol: Yes, we bought alcohol. We host an annual BBQ and serve a steak dinner with beverages including alcoholic drinks, (And yes, before you ask, we do have a liquor license which is on file at the Sheriff's Office.) I'll come back to the subject of alcohol in just a minute.
3. Purchase of a walk-in refrigerator: As discussed before, as the caretaker of the building and because of the multi-use purpose of the facility, the refrigerator is an appropriate expenditure.
4. Money earned at the annual BBQ: as mentioned before, we have careful controls in place regarding the cash. Did we make a lot of money on the BBQ? No. As a fundraiser, perhaps less than successful. But as an annual community event? Definitely of value. "Priceless!"

5. No exceptions noted by Muckel Anderson between the spreadsheet and the bank deposits. As I said, any cash collected already had a triple county process in place and was then reviewed and approved by the full membership. The bylaws now reflect this.
6. No exceptions were noted by Muckel Anderson between the bank statements and the spreadsheet.

I'd like to address specific complaints by a few community members:

In spite of what you were told:

- No one in the Posse is paid a salary
- No one has been paid a bribe or is on the take
- We do not pay off the county or vice versa
- Our bylaws do not discriminate or forbid membership on any basis

Members are reimbursed for expenses. A member with a background in construction may be hired for a specific job or a member may be reimbursed for materials but no one is a paid employee. Our members are contributing many, many hours maintaining and refurbishing this building.

There was a complaint expressed about a specific check for \$1385 that was written to a county employee. This was a reimbursement for fees for the golf tournament held in conjunction with the annual BBQ. Again, all original receipts are approved at the time of the purchase or reimbursement.

I said I would come back to the subject of alcohol. The Jeep posse has been called a drinking organization. We do serve alcohol at our annual BBQ and at meetings but we are not "operating a bar." We, as an organization, are very cognizant about the risks and consequences that can be associated with alcohol. It's ALWAYS been spelled out in our bylaws that a member may not answer ANY emergency call after having consumed alcohol. This bylaw is based on appropriate law enforcement protocol regarding alcohol consumption.

Even Mr. Antinoro can tell us about those risks and consequences. He recently admitted to me the specifics of an alcohol related incident that involved HIM PERSONALLY when he was a law enforcement officer in Utah.

BACKGROUND TO CRITICISM FROM THE SHERIFF

Now, let's move to the termination of the relationship between the Storey County Sheriff's Office and the Jeep posse, remembering that there has been a working relationship between the two organizations for over 50 years. Once again, incorrect information has been given to the public that I would like to clarify.

- In 2012, during a discussion of financial matters at a Posse meeting, Mr. Antinoro offered to "set up an account" for us through the Sheriff's Office. Members were concerned that this move to take over the assets would then lead to all Posse funds being diverted to the Sheriff's Office budget. The Posse decided at the meeting that it was better for us to remain an independent organization working with, not for, the Sheriff's Office.
- In late 2012, Antinoro spelled out, both at meetings and then via email, exactly what he required for the professional level Search and Rescue that he wished to develop. He listed specific background requirements with sanctions against members who didn't complete training exercises on his timeline. As I said before, most of our members meet all these requirements already.

He then followed up on these original discussions in emails with the specific actions he would take if the Posse didn't meet his requirements: that is, he would sever the relationship between the Sheriff's Office and the Posse. AND I QUOTE: "The Posse (will) serve no purpose to the county and (will) have no official functionality. Any ID's or other county property is (to be) returned to my office. What becomes of the Posse, the Ice House, and the revenues from the cell tower then becomes an issue between the county commissioners and a purposeless Posse." END QUOTE.

In addition to intense discussions at Posse meetings, I personally met with Antinoro several times to try to find a working compromise that would both meet his demands and be a workable option for the Posse. His answer was essentially "I won't change my mind. This is their only choice."

So, on December 11, 2012, the Posse voted unanimously to continue with our broader purpose as a volunteer organization for this community and NOT to become the current sheriff's new Search and Rescue Team. Antinoro officially ended the relationship between the Sheriff's Office and the Jeep Posse by letter on December 18, 2012.

Let me repeat the Jeep Posse's decision ... The Storey County Jeep posse chose to keep our focus as a volunteer organization for the ENTIRE community. This should have been the end of it. BUT, unfortunately, this hasn't been the case. This has been followed by what certainly appears to be a personal vendetta to discredit both the Jeep Posse and the county.

- We have been attacked in the press and in meetings
- Private information has been released to the public
- Actions taken by the Posse have been distorted
- And rather obviously, false information is being fed to people who are concerned about the things that they are told.

Poor communication, followed by threats and intimidation, and then retaliation: There certainly seems to be a pattern here. We as an organization have always tried to "do the right thing." If we find we are doing something incorrectly or that there is a better way to do it, we will make those changes. As you have heard, for over half a century, we have provided valuable services to this community. Let's continue to work together.

We have both written and oral substantiation of the 99-year lease. We have a copy of the receipt for payment from Clerk-Treasurer Kathy Hilton, confirmation in the Commission minutes, and a copy of the original lease. I'd like to make the following recommendation to the Commissioners: I would suggest, based on this documentation, that the Commissioners direct the current District Attorney to draw up a new lease which spells out this acknowledged agreement between the County and the Jeep Posse including the more recent agreement regarding the cell phone tower, equipment buildings, and cell companies involved, to all be included in the 99-year lease.

If you look around, how many people here today are either:

- In the Jeep Posse
- Support the Posse and the work that they do
- Or have been positively impacted by this organization

(Mr. Miller asked those fitting this description to stand or raise their hands and a good portion of the audience responded)

I hope I have been able to answer each of the concerns that have been expressed. There will always be some people who are never satisfied with the answers they hear. But this needs to stop. The agenda item requested that all funding cease to the Posse. As I explained before, the county is not "funding us" but is working with us through this 99-year lease and sublease. This request to cease funding is the exact opposite of the direction we need to be moving. We need to continue to work together with the county. And I hope that the commissioners will put this issue to rest.

- The Storey County Jeep Posse is a private, non-profit, volunteer organization committed to serving this community.
- We will continue to work for the People of Storey County.
- The Jeep posse is a vital part of this community.
- Many, many people have benefited from the work we have done.
- For over 50 years we have helped our neighbors.
- I believe in this organization and what it does for the youth and what it does to take care of the people of this county.
- I believe in what we do and why we make the effort to continue to do so.
- "To serve and protect." That's an important phrase that has always been a part of my life and that's what's happening here.
- The Storey County Jeep Posse will continue to "serve and protect" this community.

These are good people. These attacks need to end. It's nonsense. Let's move forward!

Nicole Barde, Virginia City Highlands Resident: One of the things that I brought up in April and one of the reasons I objected to funding the Posse, was that I was told that no women could join. As a county government organization you are responsible interact with and support those organizations that abide by both federal and state standards relating to civil rights. If the Jeep Posse is a private organization, they can do whatever they want including limiting their membership, but a non-profit cannot be exclusive in their membership. If the County aligns with an organization that discriminates for any reason you are essentially sanctioning that discrimination. It's not right. It violates those things that women have been fighting for since we got the vote. To say that nothing in the bylaws says that they discriminate, I'm here to tell you that by action they do. They have no women members. I was told they do have a woman ... an auxiliary. I did not fight in the 70's, the 80's, and the early 90's for equal treatment of women to be part of a county whose government obviously supports that kind of discrimination.

Erlene Flanagan, Storey County resident: Good morning, Commissioners. For the record I am Erlene Flanagan, Storey County resident and property owner for nearly 30 years. I don't want to speak politically about the Jeep Posse, rather I want to simply tell of a personal experience I had with the organization about four years ago.

My husband John Flanagan was the Storey County Assessor for 16 years and a Storey County Commissioner at the time of his sudden death in July of 2010. In lieu of flowers, I requested donations to be made to the Fourth Ward School which was near and dear to his heart as both his parents attended school there and he worked and volunteered there for years. A number of days after the funeral a member of the Jeep posse came to the Fourth ward School and dropped off a check for \$500. The largest donation made. No press release, no photo op, no meeting with the Director, just a gesture to honor a good man from the Comstock. The donations in John's name were used to

purchase a Penny Presser. The purchase of that machine will help support the operation of the non-profit Fourth Ward School into the future. It also provides an inexpensive memento to the visitors of the school.

In closing, I want to thank the Jeep Posse for their donation to the Fourth Ward School and also note that John was never a member of the Posse. I would like to give each of you a penny from that machine as a tangible reminder of the generosity of the Jeep Posse in memory of a man who was not one of their own.

Kay Dean: took the floor again for a moment to ask if the County can be bound by a verbal contract. District Attorney, Bill Maddox said that yes, they could. His understanding is that there is a sharing of the revenue and without that agreement it would all go to the leaseholder. Ms. Dean said that the copy of the lease she has does not mention the property but only the building.

Judy Cohen, business owner and Virginia City resident: She feels the focus is being lost and that this is about the money. She is concerned because she has been donating to the Posse for years and was told it was tax deductible.

Janet Houts, Storey County Resident: She requested a financial report from the Jeep Posse at the end of last year and last month and got no response to either request. She spoke to the IRS and they told her that the Jeep Posse is not registered as a non-profit organization with them but they are registered with the State. She asked if she heard correctly that they are not required to file a return with the IRS. District Attorney, Bill Maddox responded that yes, she did hear that correctly. She believes that all organizations that get revenue have to file a 1099.

Dale Beach, Storey County Resident: He is not happy about the tower. He's fine with the fundraising, but wants the mess with the tower settled.

Cynthia Kennedy, Highlands resident: She doesn't think it's anyone's intent to put down the activities of the Jeep Posse. There are many groups in the community that contribute time, money, donations and who also help restore historic buildings. What she wants to see is actual documents such as the lease and agreements and sit down and figure out what the truth is. She has seen budget hearings here and watched as other non-profits, all deserving, request funding and been denied because the county cannot fund all of them. She wants to see fairness and the actual documents rather than the Jeep Posse feeling like all of their efforts are being put down, which they are not at all.

Mark Joseph Phillips, Storey County Resident: He began a search about this time last year for public records with the Secretary of State regarding the status of the Jeep Posse as a not for profit organization. The documents that should have been there were not and he received written notice that they needed to become current with their status as their application had been returned. It is a little confusing because if you go on the website you do find that they file their annual list, which by the way is due at the end of this month. As a commission you should have the district attorney get this to the district court as a judge is the one who should decide if all the paperwork is in order. If this is not taken care of by the commission, then the Attorney General's office has the authority to come up here and look at the books. Hugh Gallagher, as director, is responsible for compliance with statute.

Chris Thompson, Transaction Coordinator at TRI: I would like to request the commission vote yes on the request by Mr. Miller. This organization has been around for over fifty years. It seems undisputed that on the whole they are a good corporate citizen. I have not heard of any other organization that supports community events to the extent that this one does. At TRI we have over 6000 workers and 14 million square feet of industrial space on 100 thousand acres. A lot of emergencies can go on with that kind of working base and land mass. This group is highly qualified. Civic emergencies always seem to come up at the most unexpected times, and to have a volunteer "minute man" group out there ready to call up seems like a pretty good investment for this kind of money. Mr. Miller's request to have the district attorney draw up a lease agreement seems like a good way to resolve some of the concerns of citizens and maybe make everyone happy.

County Manager Pat Whitten: I am a proud member of the Jeep Posse since 1994. I'm perplexed by Ms. Dean's reference to spending \$10k to an organization that is comprised of thirty people, and that she referenced this because of the Senior Center in Virginia City. I'm not questioning the Senior Center's results, or dedication, or value to the members of our community especially the older ones like myself, but we provide that organization \$130,000 in staff and program monies and another \$6000 currently for the building. So that is \$136,000 going to an organization that Ms. Dean says she sees struggling.

I agree with Sheriff Miller's suggestion to have a new lease drafted as a good fix, but we have other leased properties that have similar but different facilities. We've got the fire museum which is on county property. We allow them to lease out to the gunfighters each year for \$500/month during their season as a source of revenue for them. This is really no different than the Jeep Posse. If you look at Saint Mary's, another county property, they are again leasing their rooms by the night and by the week for their programs. There is really nothing that much tangibly different with this type of operation.

Mr. Whitten read two letters into the record:

(Letter from) Ron Gallagher: As an OLD HOT WATER PLUG who has been indirectly, and on a few occasions directly, involved with the Storey County Jeep Posse for half century, I have been following the most recent "Discussions" relative to that decorated group with great interest. I could go on at great length about rescues, recoveries, good deeds, donations to the Comstock, etc., etc., but, instead, let the following serve as a substitute for those pages of complimentary rhetoric and I hope, concretely, show the esteem and respect that I have for this marvelous group:

When Judy and I prowl around the mountains of Virginia City together --- Jumbo, Five Mile Reservoir, The Flowery, Twin Peaks, The Quarry, The Sutro Air Shafts, and Chalk Hills --- she has a simple set of instructions. If anything happens where my functioning capabilities are restricted, call 911, if possible, and CALL THE JEEP POSSE.

If I happen to take off by myself to any of the locations noted above, or to countless ones not named, but well known to my Mucker friends, should I not return in a timely manner, her instructions are to call the appropriate emergency entities and CALL THE JEEP POSSE.

Should anything happen to my family or friends on the dirt roads of the Comstock, I will call the JEEP POSSE.

I would be happy to discuss my long time experiences and longtime opinion of the Storey County Jeep Posse with anyone at any time. - Ron

(Letter from) Pam Trabert, Food Pantry Manager, Community Chest: To Whom It May Concern, The Jeep Posse has provided turkeys, hams, and chickens for the 7 years I've worked here. This food has been donated for Thanksgiving and Christmas baskets. This food has fed 490 people. Thank you Jeep Posse.

(Email from) William A Clark: *I will not be able to attend the next Commissioner's meeting and would like to submit the following letter to be read into the minutes. I will have a hard copy of my letter when I return if needed:* Dear Commissioners: As a resident of Storey County and Virginia City for most of my 75 years, I am writing to strongly encourage the Storey County Board of Commissioners to continue the existing revenue funding to the Storey County Jeep Posse from the shared rent of the cell tower which is located on the property leased by the Storey County Jeep Posse.

I have been a member of the Jeep Posse for over 45 years and am very proud of the numerous services we provide for this County and special events which have directly brought income to the County. Through fund raising and these various special events, the Jeep posse has been able to give back to the Storey community in the form of contributions to school activities, student scholarships and donations to folks in need.

Storey County citizens have always supported each other through community involvement and the Jeep Posse will continue its volunteer and financial support as well.

Respectfully submitted via email, William A Clark

Dean Haymore, Storey County Community Development Director: I am the one that the county came to knowing that we needed cell service up here to provide for tourism, emergency services, the community, and the residents. I was the one who went out to try and find some sites. The first site we were hoping to place the cell tower was on Silver Street behind Edith Palmer's on Scott Jolcover's land. I'm the one that went to the companies and begged them to bring cell service to Storey County. I am the one that went to the Jeep Posse and asked them if we could utilize some of that land to put the cell towers up. I am the one that considered with the Jeep Posse and County management and commissioners that there might be some revenue sharing participated for their good works. I did not draft the documents, but I am the one that worked with the cell towers, permitted them, worked with the Jeep Posse, sat with their president and looked at the location that would work best for both the cell companies and the Jeep Posse. I have been doing this for Storey County for 27 years trying to provide quality of life, protection, companies, and jobs. I am the one that was very adamant that the cell tower becomes a flagpole for the great United States. I am the one that just this Thursday where they want to expand that cell tower to put in more carriers, demanded that they don't put a box on top of it, but that they come back with a rendering to slenderize it so that it looks like a flagpole. I do believe there needs to be some clarification and documentation, but as I am the one who started this, I will take any and all blame and/or questions.

With some questioning from the commissioners, Mr. Haymore clarified that normally there would be no sharing of revenue and that the Jeep Posse would be entitled to 100% without the sharing

agreement. There are a number of other towers around the county that Mr. Haymore has worked with and they are in the process of putting one in the Highlands presently. Pat Whitten pointed out that Mr. Beach has stated that he would like a cell tower on his property and take half the rent, but the one going up in the Highlands is on private property and in that case the property owner gets 100%.

Commissioner Sjovangen: After listening to all the comments this morning and reading all the documents it seems the only thing the County has to do with the Jeep Posse is this agreement over the cell tower which I think is perfectly legal and handy arrangement. Beyond that, the Jeep Posse is a private entity and they can do whatever they want to do. I don't believe we have any jurisdiction to tell a private organization or business how to run their internal business and that many of the comments made are probably invalid.

Vice-Chairman Gilman: This is troubling to me. As I have sat here over the past year and months there seems to be this driven desire to revisit everything this little community has done for the last fifty years and find fault, and point fingers, talk about putting people in jail, and losing the respect of the history of the community that we are. I came to Nevada in 1985. I'm a newcomer, and I'm sitting in a room with folks who have been in this community for two and three and four generations. When I arrived here in Storey County, you all were struggling with a budget that barely made four million dollars. You didn't have enough money to run your schools. You didn't have enough resources to put public facilities and resources together. What you did have was a community spirit. You had families that had been here for generations building the community the best they could with the revenues they had to work with.

The thing that troubles me is that hindsight is always 20/20, and you can always look behind and wish you had done things differently. Are all the documents and records in place as they should be? Probably not, and we've seen that often they're not, and so we've been restructuring and we've been asked as a commission to look at things and told we have to fix things because "they've screwed things up royally." Well, no they haven't. They did the best they could with the revenues, resources, and people they had and they graciously gave of their families and time. The Jeep Posse has been offering their services for FIFTY YEARS. I'm not a member and never have been, but I'm proud they're here and there a lot of folks that can say thank you for their efforts.

I was blessed when I got to Nevada because it's a handshake place and you can literally do business on that basis. When I got here I did real estate deals on that handshake and everybody lived up to that code. I believe we have to respect our history and to sit here and find fault with things that were done twenty, thirty, and forty, and fifty years ago and are still in place today is doing a disservice and terrible disrespect to the people who gave and lived and got us to where we are today.

There is no way in the world as your commissioner that I would be prepared to find fault with this group. I believe they've been a strong and loyal force in your community and they don't take a lot of credit for a lot of those things. I would be remiss in my heart to vote to penalize them or disrespect the basis of what they've brought to Virginia City. I'm in support of this little group and think a lot of them and that's where I stand.

Chairman McBride: I too am disturbed by the hostility and animosity that has been brought forward toward this volunteer community organization, the Jeep Posse. They organized over 58 years ago so

they were out helping people even before I entered grade school. There have been some concerns about members of the Jeep Posse being related. We live in a county of around 4000 people. When the Jeep Posse was organized there were around 500 people in Virginia City and Gold Hill. Rainbow bend had not been built yet, no one lived in the Highlands because it had not been built. It was Chalk Hills. There were only a couple of houses in Mark Twain. So this organization was just locally grown individuals trying to help out the community, as was the volunteer fire department of which I was a proud member for over 22 years. We worked with the Jeep Posse as well.

Growing up here, I thought I knew the back country well until Dean took me on a road trip last year. As small as Storey County is, it is very vast, and the knowledge that these gentlemen have of Storey County is immeasurable. I know that if I were to be in the back country and were injured or immobilized somehow, that these are the guys I want to be called to come look for me.

District Attorney, Bill Maddox: Addressing the Chairman, he expressed that he wishes to standardize the relationships with non-profits such as Saint Mary's, the Fourth Ward School and others and specifically the leases and renewal processes and that this was a project he had planned on working on before all this came up. So before he leaves he hopes to get leases standardized with all those who are occupying County properties. The Jeep Posse is not the only one with problems especially with descriptions of land. Things in the past were not always done to the standards that we have now, especially from a legal standpoint.

Motion: No adverse action be taken against the Jeep Posse, and that the officers of the Jeep Posse get together with the County Manager, District Attorney, and staff to review documents that are available and execute those that are deemed necessary to continue. **Action:** Approve **Moved by** Commissioner Sjovangen, **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

The Chair called for a recess at 11:40am; the meeting was called to order at 11:58am

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for April 1, 2014

Motion: Approve the minutes for April 1, 2014, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

CONSENT AGENDA

5. For possible action approval of March 2014 Treasurer Report
6. For possible action approval of Interstate Interlocal Agreement for Child Support Reimbursement
7. For possible action authorize the District Attorney and County Manager to sell, at either public auction or by sealed bid, residential houses located at 62; 74 and 82 South B Street in Virginia City.
8. For possible action approval Storey County resolution in support of Nevada Wildlife Awareness Month 2014

9. For possible action approval Justice Court Quarterly report
10. *For possible action approval of refund to Judith Chisholm/NV Hydrocarbon due to an adjustment in their 2013/14 valuation. **Approved on the regular agenda.***
11. For possible action approval of Licensing Board First Reading:
 - a. Southland Industries – General/114 Megabyte (HVAC, Plumbing Design) TRI
 - b. Timmons Group, Inc. – Contractor/1001 Boulders Pkwy, Richmond, VA (Ardagh Supplier)
 - c. Cross Check Services, LLC – Contractor/1264 Lanny Lane, Olympic Valley, CA (Forestry)
 - d. Conco & Conco Pumping – Contractor/5141 Commercial, Concord, CA (Neptune Contractor)
 - e. D.C. Electrical – Contractor/7771 Shalestone Way, Reno (Contractor)

END OF CONSENT AGENDA

Motion: Approve the consent agenda, with exception of item #10 previously approved **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

DISCUSSION/POSSIBLE ACTION (item #23): Height variance for five feet in addition to the 35 feet height of buildings and structures for E1 VCH zoned property.

Planner Dessie Redmond spoke to the request and mentioned that the applicant was present to answer questions. The commissioners had attended the planning meeting and were familiar with the request. Ms. Redmond read the findings of facts into the record:

6.1.10 The variance complies with all federal, state, and county regulations.

6.1.20 The variance will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area.

6.1.30 The conditions of the variance adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.

6.1.40 The conditions under this variance do not conflict with the minimum requirements in SCC Chapter 17.40 Estate Zone and Chapter 17.03.140 Variances, or any other federal, state, or county regulations, including building and fire codes.

6.1.50 The variance address goals specified (and referenced in staff report) in Chapter 5 of the Master plan.

Motion: Approve height variance for five feet in addition to the 35 feet height of buildings and structures for E1 VCH zoned property with the condition that the applicant returns to the architectural committee for final approve, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Vice-Chairman Gilman **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

12. DISCUSSION (No Action – No Public Comment): Committee/Staff Reports

Comptroller Hugh Gallagher:

We are at the $\frac{3}{4}$ mark of our budgeted year. I have submitted to the commission those line items that are over-expenditures or under-expenditures by a significant percentage. We have our department heads here to discuss them.

- General Fund: revenues should be about double what was budgeted which is good news.
- Merchandise licensing is up about 120%. Building licenses are also up a significant amount.
- Real Property transfer taxes are up.
- Misc. other is up due to a refund from our petroleum distributor as a result of an audit that revealed we were being overcharged.
- Business license penalties are up as well.

County Manager Pat Whitten:

- Commissioner's budget has overall tracking to 74%.
- Travel expense is up and was under budgeted due to two unanticipated trips to Washington D.C.
- Gas and diesel is also up due to travel within the state which is all very positive as far as the work being done.
- Economic development is also up.
 - Administrative budget is up due to some legal printing that had to be done, but is still sitting at 55% tracking which is excellent.

We have some logistical and legal concerns with our functional use of the justice court, so as you may recall when we looked at the infrastructure we stuck in a large sum of potential money and are looking at a couple of options right now with the Justice of the Peace so we will keep you informed if something comes through and come for proper approval and budgeting on the expenditures.

A quick update on the four houses as they've all been vacated and cleaned out. I want to publically thank Mike Nevin and his entire crew for their work on cleaning out the houses and moving dirt. We've gone about as far back as we can until Far West gives us some engineering on a retaining wall. We could generate 30-75 parking spaces. The white house (second house south of the courthouse) may go to the cemetery foundation as they have expressed an interest in locating it out at the cemetery. They're working with a local contractor on establishing a foundation for it, a mover, and working on funding for it as well. We are looking at conducting an auction for the other three structures hopefully to be completed by the first part of May. People will then have to move them within 45 days. We've had good local interest.

I also want to publically thank Sheriff Antinoro and his generous use of the jail trustees who apply a coat of primer paint to two of the houses not left in the best of condition.

Commissioner Sjovangen commented that he only reports about 10% of the mileage he expends and just reports the other 90% on his own 1040.

Clerk & Treasurer Vanessa Stephens:

Clerk Treasurer

- Postage machine for postage and lease - GL will disperse cost with other departments.

District Court

- Pre-sentence investigation costs - Those are passed down from the state. They were higher than anticipated, so we will adjust next year's budget to cover it.

- Public Defender: We use the state's public defender and pay them quarterly. The last quarter payment from the last fiscal year got charged to this year so that's where the difference is, so that will wash out at the end of the year.

Recorder Jen Chapman:

- Tracking at about 68%.
- Over in the office supplies due to the expenditure for security paper for certified marriage licenses.
- Travel expenses due to staff attending training.

Mr. Gallagher addressed the overage in the Assessor's budget due to the extended leave of a staff member that caused the need for additional coverage and the taking home of work for staff that had to be covered.

Public Works Director Mike Nevin:

Buildings and Grounds: (tracking at 56%)

- One overage in auto maintenance. We had to replace an engine in an existing vehicle used by the custodial staff.

Roads:

- Heavy equipment maintenance. Hard to anticipate these repairs. We've increased the budget for the coming year to help balance it out with the aging equipment.
- We have not done much with paving because the plant was closed almost all of last year and we are waiting for the report on the TRI pavement analysis to come back.

Water – tracking 49% in expenditures:

- Telephone overage due to three iPads which next year's budget has been adjusted for
- Travel – Conferences and continuing education. Also my expense for attending the pictometry training in San Antonio that had to be allocated.
- Tires – three vehicles needed tires.
- Professional services – GL needed to transfer expense between IT/Planning and Water as a result of the Douglas County contract.

Sewer – tracking 47% in expenditures:

- Lagging behind in collections for Gold Hill by about 11% and we will check into the billings, but sometimes there are just problems collecting. We are still at 79% of revenue though.
- Equipment maintenance. Still dealing with aged equipment and things break and can't be anticipated.

Staff report:

- The rest area north of town will be open for the Grand Prix event.
- We are going to start soon with the repointing of the wall by the courthouse.
- We are progressing with the county sidewalk on C Street across from the Post Office. Pavers should be started by the end of the month.

Sheriff Gerald Antinoro:

- Overtime – had several staff members out on extended absences, but still tracking well.
- Coroner's office was discussed last time and interesting cases keep the numbers up.

- Miscellaneous – same as last go around.
- Jail – same with the overtime – once we are back fully staffed the overtime will correct itself and we are still doing well with the overall budget.
- Uniforms as well are not too far over budget and it should even out by the end of the year.

Mr. Gallagher explained that the revenue will do better with personal property tax billings from the Assessor. Centrally assessed comes from the state and should come in around the end of the month. Sheriff fees also have gone up due to volume. During this current budget there was a great idea to replace patrol staff with correctional officers for the jail. We expected them to be available on July 1st, but that didn't happen and it has taken a long time to get this staffing done. It is something that we just discovered and we need to fix the process. If there is a hiring and then a training period, we need to make adjustments for that.

Sheriff Antinoro stated he was asked why he didn't get up to say anything about the Jeep Posse. That is because it is not my fight. I had a functional issue with them, but the financial issue is between them and the commission. There is no absence of services. There is now a community response team that has about 15 members. The North team has been out on three searches already and they are doing a phenomenal job.

Community Development Dean Haymore:

- Overall budget at 72%
- Overtime is at 87% due to short staff
- Utilities at 126% is typical for winter months and we've addressed some issues with the heater.
- Auto maintenance is up at 118% which is again my car and we have a rat that has eaten two pickups in TRI who likes spark plugs, wires, and engines and has caused over \$2000 in damage.
- Computer equip. over at 159% - we had an unexpected computer crash.
- Mr. Haymore told a story of Speaker Joe Dini and his assistance in getting TRI started.
- I went to Washington DC 10 days after surgery and represented nine counties for the Western Nevada Development District. I stood up before 750 people and took on the Deputy Director of Federal Hwy. Administration and told him that we have the opportunity to create thousands of jobs and your department will not certify, rectify, or renew our environmental plan that is already completed for USA Parkway. After two days on Capitol Hill, they promised to meet with me but did not. I held a conference call and got word that they will approve our assessment. I have a meeting next week with NDOT to finalize that up. That was well worth it as it did not cost the County one penny and was paid for by Western Nevada Development. I represent nine counties as their president for the past seven years and have just been asked to hold that position for another year.

Justice of the Peace Eileen Herrington:

- Record management falls under a much bigger endeavor that I have been trying to tackle for the past year of bringing my office into compliance with the Nevada Court's minimum accounting standards. Records management portion is about bringing us into compliance with the Nevada Records Retention Schedule which is set forth by the Nevada Administrative Code. Basically, what we did was to go through all the records that were in off-site storage and reduce that amount by over 65% by implementing proper procedures that are required

by the minimum accounting standards. So although it was a lot of money in the first year, it had to be done. I have submitted a material modification request to Nevada Courts to formally invalidate the last minimum accounting standards manual and replace it with one that is proper and accurate.

- The public defender fund is actually a revenue fund collected by defendants to help pay for the public defender. So it actually should be a revenue account that should be expensed into the district court fund.

Communications director Dave Ballard:

- Telephone – 117% due to a circuit that had to be paid for to the State of Nevada. The budget has been increased to accommodate it.
- Operating supplies – 131% due to a purchase that should have been under computer equipment. That correction will put me at about 96% under computer equipment and I don't anticipate any further expenses for the year in that.
- Equipment maintenance – 96% and can't get it under control. Seems like every time something gets fixed something else will break. Sierra Electronics isn't cheap when it comes to fixing these types of things and it's been a battle.

Staff Report:

- We were awarded \$30k last week with a grant program thanks to Grants and Emergency Management Coordinator, Cherie Nevin and Joe Curtis to upgrade our 911 system.
- The radio system we have will only be supported by Motorola for another two years. Carson is looking for a quote on a new system on six positions that will be close to \$700k and we are looking at two positions, so it's something that will surface here very soon.

Hugh Gallagher complimented Dave on doing a tremendous job on controlling his overtime.

IT Director James Deane:

- Telephone – New expense of absorbing the McCarran government center and we've made adjustments for next year and we should be fine.

Comptroller Hugh Gallagher:

- Payroll – due to retirement of a staff member and hiring of new person to position that required some training. Health insurance went up due to the new staff's family.

Fire Chief Gary Hames:

- We will have a few overages until the GL's are corrected.
- Travel – pending some reimbursement. When I budgeted I put some costs into training that should have gone to travel. We are pending another reimbursement from a State EMS grant for mandatory training in Winnemucca that will give us a positive balance by the end of the fiscal year.
- Dues and Subscriptions – National Fire Protection Administration - We have to buy subscriptions every year in order to do code enforcement, plan reviews and such and we were not told that it would go up even though we asked, so that is where that overage occurred.
- Communications – Highlands Fire Station internet connectivity. This is one that IT vouchers for us and it was mistakenly vouchered here when it should have gone to phones where there is plenty of money to cover it.

- Auto maintenance - Hopefully we are out of the woods with breakdowns and that it will be accommodated from another line item.
- Professional Services - Regional testing for lost personnel and revalidating our physical agility test. We did actually save money.
- Physical exams - Directly attributed to the loss of personnel. We paid for existing personnel who then left and we had to pay for the exams on new personnel.
- Revenue sources - we have two transfers that will correct the numbers on the report.

At 1:10 p.m. Vice-Chairman Gilman left the meeting.

- Moving forward with fuels reduction. North side of Geiger is complete and south side is starting today. Six-Mile Canyon is underway and the crew in Virginia City is into week three of a five week project.
- We received our first refurbished water tender last night. We ended up into it about \$58K instead of a comparative \$250K.

Comptroller Hugh Gallagher announced that this concludes the $\frac{3}{4}$ review of the unaudited financial activity for Storey County for the three months ending 3/31/ 2014. He complimented the exercise and how it helps him as well as the department heads. There will be more meetings with them between now and the approval of the final budget.

Chairman McBride also complimented the elected officials and department heads and the information that has been presented. He noted that the small amounts off on some line items are really inconsequential and their revenues and expenditures are tracking right where they are supposed to be.

Community Services Cherie Nevin:

- Reminder on free dump days May 2nd and 3rd 8am-4pm at Virginia City Transfer Station. 17th 18th and 19th left at the Lockwood Landfill. If you know of anyone needing assistance in getting things to the dump please give me a call.
- We installed new flooring at the Lockwood Senior/Community Center
- May 17th pet micro chipping, low-cost animal vaccines, and dog licensing open to the general public 12-3pm at the Middle School.
- We are planning another Health Fair in Virginia City. Tentative date of October 18th at Piper's Opera House
- We opened the bids for the Wastewater Treatment Plant
- We are working with the Food Bank of Northern Nevada in order to get services to the Mark Twain Community Center which is currently being served by the Mustang Cares Food Pantry. The need down there is increasing so we are going to see if we can get the Food Bank in maybe once or twice a month.
- Shannon Gardner and I continue working on putting together a bid package for the repair of this courthouse roof that we have grant funds for. We're anticipating that may be coming to us sometime in June.
- May 3rd Community chest is sponsoring the community wide garage sale. They're accepting donations and are creating a map that people can pay a small fee to get onto.

Senior Planner & Administrative Officer Austin Osborne:

- Sunny Hills will be giving another presentation in the Highlands 6pm Wednesday the 23rd.
- Update on employees' health enrollment: We're going to see about a dozen or so employees joining the health savings plan as opposed to the PPO plan. This is a benefit to the County, budget wise as well as the employees getting a better plan to meet their needs.
- If anyone in the community is interested in a discount card from the Nevada Association of Counties I have pamphlets in my office from which you cut off a coupon and you don't have to do anything, not even register. All you have to do is be a Storey County resident. CVS pharmacies participate and you can get a 25-75% discount on prescriptions. They also have a dental program for which you pay a nominal fee of \$6-8 per month and it covers orthodontia, caps, crowns and things like that. If anyone has any questions, I'm happy to help them in my office.

County Manager Pat Whitten interjected something he forgot to mention in his own staff report. When I mentioned the houses and the parking lot and the potential for 75 new spaces, we've heard from some not just to make it a featureless flat piece of asphalt. Turns out, Planner Dessie Redmond has a master's degree in landscape architecture, so she will be doing some design renderings to be presented in a commission meeting in the near future. This saves us a ton of money and gives us a more suitable product. It's exciting when we make these new hires and they bring added skills.

District Attorney Bill Maddox:

- The next meeting will have the resolution for the question out at Sunny Hills. Clerk-Treasurer Vanessa Stephens will be setting up some committees to come up with some pros and cons and developing some rules that she expects those committees to follow.
- Larry Prater came in and there is a potential for a question to be on the ballot on going from three to five commissioners.

Paul Quam:

- Southwest Gas wants everyone queried (Silver City, Gold Hill, Virginia City) on their likelihood on connecting with natural gas. They don't want to build a pipeline and then no have people connect to it. I've already queried the business people and some residents. The final query will happen at the end of this or next week and will go to those who did not respond or who did not get the first questionnaire. They want to see an overwhelming response as it involves a large amount of money for them. Once that is complete, then we will look at routes. Pat Whitten suggested tying into the Silver City town council and making an appearance at one of their meetings.

John Miller, River District:

- He saluted the commissioners and employees for all their work. Lance Gilman came up to address the entrance to the clubhouse from 80 which they cleared out this week.
- He thanked the commissioners for our park. We have lights. The water's being turned on today. We've had no vandalism to speak of. Our bathrooms are still good. We had over sixty people there participating in the viewing of the red moon last night.

Merilee Miller, River District:

- Through We Care, we took fifteen kids on a four hour hike yesterday morning. We've decided not to just focus on the seniors, but also the youth. This Friday we're taking them to Hunter Creek and hiking to the waterfall. We're making it an educational experience and trying to

involve them in the community. Anyone interested in the program may check it out at We Care on Facebook.

- She read and submitted a thank you letter from the Senior Center for the new flooring in the center.

13. BOARD COMMENT (No Action – No Public Comment)

Commissioner Sjovangen:

- Last Friday we had statewide joint conference with Senator Reid and Senator Heller's offices regarding the wilderness and sage hen bill. The consensus of all seventeen counties unanimously was to take the bill to some other state and see if they'll buy it. So that's back up on the hill getting redone.
- The other thing that we are starting to work on now in earnest is defeating the margins tax. I don't foresee anyone except the Clark County School District possibly supporting it. It's going to be a serious thing that could put a couple of businesses out of business or push them out of state. Pat Whitten shared that we have multiple, but one specific manufacturer with international contracts and a local homegrown product who has stated that if the margins tax passes they will be moving to California. That tells you how bad it is. The other commissioners have heard similar sentiments expressed.

The Chair called for a recess at 1:35pm; the meeting was called to order at 1:47pm

14. **DISCUSSION/POSSIBLE ACTION:** *Recommendation to award contract to successful bidder for the construction of the Virginia City Sewer Improvement Project Phase I in the amount of (TBD). Moved discussion to follow item #3*

15. **DISCUSSION/POSSIBLE ACTION:** *Cease all funding to Jeep Posse as requested by Kay Dean. Moved discussion to follow item #14 which followed #3.*

16. **DISCUSSION/POSSIBLE ACTION:** The Board's order for the Treasurer to hold a sale of real property held in trust because of tax delinquency and to direct the notice is done by publishing in the paper.

Robert Morris: It is a requirement of NRS that the board approve an order of sale of real property. There is a list of approximately eight properties that are ready to go to sale. We've also set up a checklist procedure for future sales to streamline the process. The notice can either be posted in three places in the county or as an alternative you may publish it in the paper. Pat Whitten asked if it would be conducted by live auction or internet. Clerk-Treasurer Vanessa Stephens said they were leaning toward live auction. A discussion was entered into of the process and timeline.

Motion: Approve order for the Treasurer to hold a sale of real property held in trust because of tax delinquency and to direct the notice is done by publishing in the paper, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (summary: Yes=2)

17. **DISCUSSION/POSSIBLE ACTION:** Resolution 14-395 removing the Jail Fund tax rate from the tax bill and placing the Jail Fund tax rate into the General Fund and making the operation and

maintenance of the Storey County jail a sub-component of the Storey County Sheriff's Department's budget and transferring the ending fund balance of the Jail Fund at the end of the budget year.

District Attorney, Bill Maddox explained the fund, the discussion that has been going on about it, the history and how this motion will clean things up.

Dale Beach, Storey County Resident: Took credit for bringing this subject up four years ago and criticized the county for taking this long to get it taken care of. He feels we need more people to get up and complain about what they don't like.

Motion: Approve resolution 14-395 removing the Jail Fund tax rate from the tax bill and placing the Jail Fund tax rate into the General Fund and making the operation and maintenance of the Storey County jail a sub-component of the Storey County Sheriff's Department's budget and transferring the ending fund balance of the Jail Fund at the end of the budget year, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride, **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

18. **DISCUSSION/POSSIBLE ACTION:** Resolution 14-396 combining the tax rate of the Storey County fire protection district-NRS 473 (Nevada Division of Forestry) with the tax rate of the Storey County fire protection district (474) and combining both rates and allocating both to the Storey County fire protection district (474) and transferring the ending fund balance of the 473 district into the 474 district budget at the end of the budget year.

District Attorney, Bill Maddox: Explained that this is more house-cleaning.

Dale Beach, Storey County Resident: Asked if this had to do with Union and Pat Whitten answered no. He asked if the seasonal staff qualifies for unemployment. Fire Chief, Gary Hames explained that in the past with 473 they did, but now they will be considered intermittent employees and will not qualify for unemployment.

Motion: Approve resolution 14-396 combining the tax rate of the Storey County fire protection district-NRS 473 (Nevada Division of Forestry) with the tax rate of the Storey County fire protection district (474) and combining both rates and allocating both to the Storey County fire protection district (474) and transferring the ending fund balance of the 473 district into the 474 district budget at the end of the budget year, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

19. **DISCUSSION/POSSIBLE ACTION:** Approve the first reading of Ordinance No. 14-256 changing the name of the 474 fire protection district, amending the description of the boundaries of the 474 fire district to include all of Storey County and deleting Chapter 2.57 of the Storey County Code to reflect the dissolution of the 473 fire protection district.

Motion: Approve the first reading of Ordinance No. 14-256 changing the name of the 474 fire protection district, amending the description of the boundaries of the 474 fire district to include all of Storey County and deleting Chapter 2.57 of the Storey County Code to reflect the dissolution of the 473 fire protection district, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

20. **DISCUSSION/POSSIBLE ACTION:** Approve purchase of property at 2471 Lousetown Road not to exceed appraised value of \$12,000 or whichever is less.

District Attorney, Bill Maddox: There is an acre of land adjacent to the firehouse in the Highlands that he believes is already being used by the fire department. The owner of the property passed away and the trust approached the county about purchasing the property. We are going to get an appraisal and they are going to have a title report done. Commissioner Sjovangen asked if the acre is in the 10-Acre Estates. Fire Chief, Gary Hames explained that it is the property directly behind and to the North side of the fire station where all of their equipment is parked and training prop is built. This came to light after the fire station was purchased. They had thought for years that it was all part of their property, but actually this is a separate one acre parcel. Chief does not believe it is part of 10-Acre, but 1-Acre until it gets past the drainage ditch. County Manager Pat Whitten commended Eileen Craig with Caldwell Banker who is a resident of the Highlands and has been fantastic to work with in helping get this cleaned up.

Motion: Approve purchase of property at 2471 Lousetown Road not to exceed appraised value of \$12,000 or whichever is less, **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

21. **DISCUSSION/POSSIBLE ACTION:** A workshop to discuss the proposed adoption of new editions of the 2012 uniform codes, the 2012 Northern Nevada Amendments published by the Northern Nevada Chapter of the International Code Council, and amendments to provide for specific requirements for fire and building in Storey County.

Deputy District Attorney, Robert Morris: The local jurisdictions looked at the codes and decided there should be some amendments to match what goes on in Northern Nevada.

Shannon Gardner, Storey County Building Inspector:

Good Morning Commissioner's, Ladies and Gentlemen of Storey County.

It has been approximately 9 years since Storey County has done a Building Code up-date, and I am here today to propose that Storey County adopt current effective versions of Building Codes.

So what are the biggest changes and impacts resulting from current versions of Code?

In Building Code for commercial, industrial, and public buildings, the most significant impact is a change in the way buildings are categorized. Buildings are now categorized by Risk factor rather than just occupancy type. It has been recognized that during a natural disaster, it may not be practical to expect every structure to remain standing and functional, but that there are structures that we really need to remain standing and functional after a natural disaster. Examples of buildings assigned to high risk categories would include; Emergency services such as first responders, fire and police, and essential facilities such as schools, emergency shelters, water plants and power plants. In the aftermath of a natural disaster it is important to re-gain a sense of normal function in people's lives as quickly as possible. Critical and essential facilities are assigned a higher risk category, and as such are designed and built to a higher standard in the hopes that they will remain standing and functional in the aftermath of a natural disaster.

The way that buildings are designed to withstand earthquakes also has changed. In the past, buildings have been constructed according only to the probability of earthquakes. Now Code factors in other geologic conditions, soil types, and the acceleration or deceleration of energy within those soil types. Buildings within the same earthquake zone will react differently depending on whether they are built on solid rock, mud, sand, etc. Under the newer Codes, buildings are designed not just on the probability of an earthquake, but on how they will react during an earthquake with soil type factored in. It is a more scientific approach.

The way that wind loads are factored has also changed. The minimum basic wind speed for design and construction is the same. But under the new Codes, buildings with higher risk categories, critical facilities, are designed to slightly higher wind speeds. This again is an attempt to help communities recover in the aftermath of a natural disaster by assuring that certain facilities remain functional.

The way that snow loads are factored has also changed. The design snow loads in pounds per square foot for our region has not changed. But newer codes now recognize that different building designs affect the way that snow drifts onto a roof. Snow loads are not uniform for all buildings. Newer Codes recognize that and allow these considerations to be factored into the structural design of a building. Again, it is a more scientific approach.

For residential construction, the biggest changes and impacts are with the Energy Codes. In Storey County, Building Official Dean Haymore has always required that houses be constructed with 2x6 exterior walls and with more than just the minimum insulation, so we have been ahead of the curve when it comes to insulation requirements. What will be an impact for home builders in Storey County is more attention to workmanship when it comes to air sealing houses, and their heating and cooling systems. There are now requirements for third party testing to assure that houses don't have excessive air leaks, and to assure that heating and cooling duct systems are sealed properly. These Energy Codes have actually been mandated for adoption by the State of Nevada. Nevada accepted Federal stimulus money with the stipulation that they would require all local jurisdictions within Nevada to adopt these Codes. The fact is, extensive studies have shown that air leaks are the #1 cause of energy loss in residential construction, so these Codes will result in more efficient houses.

As a member of the Northern Nevada International Code Council, I sat on a committee where we spent a year analyzing these new codes, and writing amendments to tailor fit the Codes to Northern Nevada. We took input from the major trade organizations such as Builders Association of Western Nevada, Associated Builders and Contractors, and Union representatives of the trades of Plumbing, Mechanical, and Electrical workers. We made sure that the new Codes would not enact requirements that do not apply to our region, and that they would not have negative economic impacts for Northern Nevada. As an example, we have eliminated a reduction for travel distance to exits in warehouses. The new Code language would not have allowed us to continue building the large warehouses that are typical in Tahoe Reno Industrial Center. As a group of Building Code Officials, we decided that our current exit travel distance maximums are safe, and we amended the new Codes to reflect that. In reading the amendment package, you will find that a lot of changes have been made for our region and economic needs.

So you may be saying to yourself and others, "why do we want to adopt newer Codes at all? It's just a bunch of new regulations and red-tape." And trust me when I tell you that I am not the kind of guy

who anxiously awaits the arrival of new Code books. I am not a Code Geek who gets excited about newly released versions of Code.

But there are ramifications to jurisdictions that do not stay current with Building Codes.

- It affects our Insurance Services Rating. If we do not stay current with newer Codes, it will reduce our rating, and ultimately will increase the cost of insurance not only for the County and its' facilities, but also for the residents and their homeowner policies.
- It affects our Community Rating with the National Flood Insurance Program. If we do not stay current with Code, our rating can drop and our residents in Flood Zones can lose eligibility for discounts on flood insurance.
- It can affect FEMA post-disaster re-imbursement. I've been informed that FEMA has contested re-imbursements in the wake of natural disasters because they have determined that losses would not have been as severe if the jurisdiction had been current with its' Code requirements.
- Another important item that I have discovered is that it can affect our eligibility for grant funding. Some grant sources require that a community be current with its' Code adoptions, as they don't want moneys spent on outdated technologies and construction techniques. We don't want the embarrassment of being denied grant funding by resisting current Codes.

Other reasons to consider include staying current with new technologies. In a rapidly changing world, Code is up-dated in order to recognize and support new construction technologies.

Designers are staying current. Most building designs that are submitted to the Building Dept. today reflect Code standards that are newer than our minimum requirements. Architects and Engineers have a fiduciary responsibility to design to current standards, and they're going to do it whether we require it or not. So by us adopting current Codes, we're not making them jump through new hoops.

Companies want facilities that are built to current standards. In today's litigious world, you will not find many organizations that are out seeking locations where they can get away without building to current Codes.

We want our staff to stay educated and knowledgeable. By staying current with new Codes, our staff must stay educated and up to speed in order to be effective at plan reviews and inspections. We want our staff to know what they're talking about when they communicate with companies that are looking to locate within Storey County.

And last but not least, the newer Codes make buildings safer. We want to sleep well knowing that we are being responsible to future generations by upholding standards that provide for safe structures.

County Manager Pat Whitten: Complimented Mr. Gardner's presentation as the best he's ever heard as far as hitting all the major points. He asked him to take an example of the C street Sheriff's office and D.A.'s office 4500 sq. ft. building and if we were to add a 1500 sq. ft. single story addition to the North; tell us what differences we might experience. Mr. Gardner explained that from a design standpoint it would be considered a critical facility. It would need to be engineered with the intent to survive a fairly substantial earthquake. It would be engineered with a higher level of redundancy - which means if one part of the structure fails there would be backup.

District Attorney, Bill Maddox asked if Mr. Gardner thought it might be another nine years before the next update. Mr. Gardner explained that the new code books come out every three years, but feels that a six year cycle is reasonable. It allows for major changes to be backed up by studies and engineering analysis and for us to see how the adoption of newer codes affect us and write amendments, but is also a shorter time so it is not such a jump to go from one code to another.

David Silva, Storey County Fire Prevention and Life Safety Officer:

We currently have an active Interlocal Agreement with the State Fire Marshal's Office, which was signed in January of 1995.

The Fire Marshal is required by NRS 477 and NAC 477 to perform certain fire and life safety functions in counties having populations of 35,000 or less.

The Storey County Fire District has requested that the Fire Marshal delegate those fire and life safety functions to the personnel of the District in accordance with section 477.030 of the Nevada Revised Statutes.

With this agreement in place, we are required to maintain and follow the current codes of the International Fire Code.

Currently, we are following and enforcing the 2006 edition of the International Fire Code. The current code is 8 years old. By adopting the most current code, the 2012 International Fire Code, we would be maintaining our Interlocal Agreement with the State Fire Marshal's Office. Without this adoption, we would lose our Agreement and the State Fire Marshal's Office would reassume the fire and life safety functions that the district currently manages.

Mr. Silva went on to read an example of why we are not adopting the entire fire code book because it may not apply to our local situations. He explained that the newer book also simplifies language and makes the code clearer. Pat Whitten asked about what the significant difference would be for a commercial building. Mr. Silva explained that water supply would be increased as old supply requirements do not meet needs for fire suppression based on fuel loads. Mr. Whitten asked if there are any other changes other than flow. Mr. Silva said there are not many more restrictions except for hazardous material definitions. Mr. Whitten asked if current construction in process would be affected. Mr. Silva said no, but if they sell the business, the new owner would be responsible to meet the new code. Mr. Whitten then asked about residential jurisdiction and impacts. Mr. Silva explained that clearances around the building for emergency equipment, maximum travel distances for driveways, turnouts at dead ends, defensible space, etc. are all under his jurisdiction. On new builds there is not too much changing in the new code except for building materials and clearances on propane tanks and roads and such.

Mr. Morris submitted a forty page document that although they are adopting the code would also come back for a first reading next month. He went on to explain how the new code language is notated in the document and referenced. He also explained how appeals are addressed and suggested creating a board of appeals. The use of domestic water on a second dwelling is also something new that he suggested the board think about and consider.

Motion: To adopt the 2012 International codes and ask that the ordinance making the changes be on the board's next meeting: Approve **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

22. **DISCUSSION/POSSIBLE ACTION:** Approval of Payroll Check date 03/28/2014 for \$367,647.69 and Accounts Payable date 04/04/2014 for \$254,057.20 and \$3,052.72

Motion: Continue to the next meeting **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

COMMUNITY DEVELOPMENT AND PLANNING

23. **DISCUSSION/POSSIBLE ACTION:** *Height variance for five feet in addition to the 35 feet height of buildings and structures for E1 VCH zoned property. Discussion moved to follow consent agenda item #11*

24. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. Philly's NV - General/420 USA Parkway (Restaurant) TRI
- b. Burnham Painting & Drywall - Contractor /668 Middlegate Road, Henderson, NV
- c. Diebold, Inc. - General/5995 Mayfair Road, North Canton, OH (financial equipment leaser)
- d. Mark Twain Community Center - Non-Profit/500 Sam Clemens Street, MT
- e. Preferred Networks, Inc. - Home Business/355 Mill Street (internet provider) VC
- f. Dogz - Home Business/358 North A Street (dog trainer) VC
- g. Sage Hunting Products - Home Business/1524 Bonanza Road (hunting accessories) VCH
- h. Randa Accessories - General/700 USA Parkway, TRI

Dale Beach, Storey County Resident questioned making Mark Twain Community Center a non-profit. Mr. Whitten mentioned that Mr. Beach's comments are not germane to the business licensing process.

Motion: Continue item a, d and h, **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

Motion: Approve items b, c, e, f, and g, **Moved by** Commissioner Sjovangen **Seconded by** Chairman McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

25. PUBLIC COMMENT (No Action)

Mark Joseph Phillips, Storey County Resident: In 2000 school districts in counties in Nevada were able to set up their own accounts by filing certain documents. In a search for public records our county treasurer confirmed that certain documents were not there. In theory, the Storey County School District does not have the authority to run their own accounts. County commissioners have the authority to examine and close those accounts if they find anything wrong with them. The remedy is a resolution on the agenda of the next meeting notifying everyone of their intention to have separate accounts from the county treasury.

District Attorney, Bill Maddox said that he would look into it.

Dale Beach, Storey County Resident: He feels Public Works is disinterested in Mark Twain. He brought up the water in the park, the air conditioner, the disrepair of the mail boxes, street lights, and street signs.

26. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 3:00 p.m.

Respectfully Submitted,

By Vanessa Stephens
Vanessa Stephens, Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: May 6, 2014

Estimate of time required: 10 Min

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** State Child Support Reimbursement Program.

2. **Recommended motion:** Motion to approve the First Judicial District Court proposed budgets for fiscal year 2015 in the amount of \$29,045.48 and fiscal year 2016 in the amount of \$29,814.03 for reimbursement from the State Child Support Enforcement Program.

3. **Prepared by:** Maxine Cortes

Department: Court

Telephone: (775) 283-7249

4. **Staff summary:** On April 15, 2014, the Storey County Board of County Commissioners approved an Interlocal contract between the State of Nevada acting by and through its Department of Health and Human Services, Division of Welfare and Supportive Services, the First Judicial District Court and Storey County and the City of Carson City to recruit and appoint court masters to hold child support hearings and other matters properly related thereto. In accordance with the Intrastate Interlocal contract, two years of budget requests for fiscal years 2015 and 2016 are required in order to receive reimbursement from the State of Nevada and to ensure budgets approved by the State are consistent with budgets approved by the County Commissioners.

5. **Supporting materials:** First Judicial District Court's proposed budgets FY 2015 and FY 2016.

6. **Fiscal impact:** None

Funds Available: NA

Fund: NA

____ Comptroller

7. **Legal review required:** Yes

____ District Attorney

8. **Reviewed by:**

 Department Head
County Manager

Department Name: Commissioner's Office
Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. _____

First Judicial District Court Budget for 07/01/2014 - 06/30/2015

Position	Salary 07/01/14 - 06/30/15	Fringe Benefits	IVD Activity and % of Time Spent Annually	Non IVD Activity and % of Time Spent Annually	Annual Salary/Benefits Apportioned to IVD Activities
(1) Special Hearing Master					Contract \$ 14,820.00
(1) Security	\$ 54,588	\$ 31,204	Courtroom Security: 5.35%	Courthouse/Courtroom Security: 94.65%	Salary: \$ 2,920.46 Fringe: \$ 1,669.41 Total: \$ 4,589.87
(1) Court Clerk	\$ 46,691	\$ 34,006	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 1,890.99 Fringe: \$ 1,377.24 Total: \$ 3,268.23
(1) Court Clerk	\$ 40,613	\$ 32,186	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 1,644.83 Fringe: \$ 1,303.53 Total: \$ 2,948.36
(1) Court Clerk	\$ 43,789	\$ 15,940	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 1,773.45 Fringe: \$ 645.57 Total: \$ 2,419.02
Training/Travel	\$ 1,000.00				\$ 1,000
Equipment					\$ -
Total					\$ 29,045.48

Salaries	\$	23,049.72
Fringe Benefits	\$	4,995.76

First Judicial District Court Budget for 07/01/2015 - 06/30/2016

Position	Salary 07/01/15 - 06/30/16	Fringe Benefits	IVD Activity and % of Time Spent Annually	Non IVD Activity and % of Time Spent Annually	Annual Salary/Benefits Apportioned to IVD Activities
(1) Special Hearing Master					Contract \$ 14,820.00
(1) Security	\$ 57,317	\$ 33,103	Courtroom Security: 5.35%	Courthouse/Courtroom Security: 94.65%	Salary: \$ 3,066.46 Fringe: \$ 1,771.01 Total: \$ 4,837.47
(1) Court Clerk	\$ 49,959	\$ 35,756	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 2,023.34 Fringe: \$ 1,448.12 Total: \$ 3,471.46
(1) Court Clerk	\$ 43,456	\$ 33,988	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 1,759.97 Fringe: \$ 1,376.51 Total: \$ 3,136.48
(1) Court Clerk	\$ 45,978	\$ 16,951	Case Processing: 4.05%	Clerical Work: 95.95%	Salary: \$ 1,862.11 Fringe: \$ 686.52 Total: \$ 2,548.62
Training/Travel	\$ 1,000.00				\$ 1,000.00
Equipment					\$ -
Total					\$ 29,814.03



Storey County Board of County Commissioners Agenda Action Report

Meeting date:

Estimate of time required:

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** Liquor License/ Philly's NV

2. **Recommended motion** None required (if approved as part of the Consent Agenda)

3. **Prepared by:** Melissa Field

Department: SCSO

Telephone: 775-847-0959

4. **Staff summary:** First Reading of submitted Liquor License application are normally approved on the consent agenda. The application are then submitted at the next Commissioners' meeting for approval.

5. **Supporting materials:** None

6. **Fiscal impact:** None

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

____ Department Head

Department Name: Gerald Antinoro



 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.



STOREY COUNTY SHERIFF'S OFFICE

Gerald Antinoro
Sheriff

April 28, 2014

To: Vanessa Stephens, Clerk's Office
Pat Whitten, County Manager

Fr: Melissa Field

Please add the following item(s) to the **May 6, 2014** Commissioners Consent Agenda:

LICENSING BOARD
FIRST READING:

A. PHILLY'S NV - LIQUOR LICENSE / 420 USA Parkway (Restaurant)

GENERAL license is being handled through Community Development.

PO Box 498
205 South C Street
Virginia City, NV 89440
Office: (775) 847-0959 Fax: (775) 847-0924



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 5/6/14

Estimate of time required: 0 - 5

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** Business License First Readings

2. **Recommended motion:** None required (if approved as part of the Consent Agenda)
I move to approve all first readings (if removed from consent agenda by request)

3. **Prepared by:** Stacey Bucchianeri

Department: Community Development

Telephone: 847-0966

4. **Staff summary:** First readings of submitted business license applications are normally approved on the consent agenda. The applications are then submitted at the next Commissioners' meeting for approval.

5. **Supporting materials:** See attached Agenda Letter

6. **Fiscal impact:** None

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:** None

____ District Attorney

8. **Reviewed by:**
☒ Department Head

Department Name: Community Development

☒ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

Storey County Community Development

Business Licensing



P O Box 526 • Virginia City NV 89440 • (775) 847-0966 • Fax (775) 847-0935 • buslic@storeycounty.org

To: Vanessa Stephens, Clerk's Office
Pat Whitten, County Manager

April 28, 2014
Via email

Fr: Stacey Bucchianeri

Please add the following item(s) to the **May 6, 2014**, COMMISSIONERS Consent Agenda:

LICENSING BOARD FIRST READINGS:

- A. **IDEA DRILLING** – General / 1997 9th Ave ~ Virginia, MN (mining contractor)
- B. **SUMMERWINDS RESORT SERVICES, LLC** – General / 164A C Street (timeshare sales) VC
- C. **STREAMLINE CONSTRUCTION, INC** – Contractor / 8445 Sierra College Blvd ~ Granite Bay, CA
(contractor)
- D. **GOLD HILL PRINTERS** – Home Business / 1230 Main Street (printing novelties) GH
- E. **INTELLIGRATED SYSTEMS, LLC** – Contractor / 7901 Innovation Way ~ Mason, OH

Inspection Required

cc: Shannon Gardner, Building Dept.
Austin Osborne, Planning Dept.
Dean Haymore, Economic Dev.

Gary Hames, Fire Dept.
Patty Blakely, Fire Dept.
Assessor's Office

Sheriff's Office



Storey County Board of County Commissioners Agenda Action Report

Meeting date: May 6, 2014

Estimate of time required: 10 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Discussion and Possible Action on an ordinance of the board of county commissioners of Storey county, Nevada, authorizing and directing the issuance of a sewer revenue interim debenture, series 2014 in anticipation of the receipt of certain funds and the issuance and sale of a sewer revenue bond of the county therefor; providing the form, terms and conditions of the debenture, the security therefor, the sale thereof, providing for adoption as if an emergency exists, and providing other details in connection therewith.

2. **Recommended motion:** I MOVE TO APPROVE ORDINANCE # 14-257 AUTHORIZING AND DIRECTING THE ISSUANCE OF A SEWER REVENUE INTERIM DEBENTURE, SERIES 2014.

3. **Prepared by:** Hugh Gallagher
Department: Comptroller

Telephone: 847-1006

4. **Staff summary:** Attached is an ordinance for consideration authorizing the issuance of the Storey County Sewer Revenue Interim Debenture as part of the USDA Virginia City Sewer Improvement Project. This ordinance is drafted for adoption in one reading pursuant to NRS 350.579 and must be approved by a vote of at least 2/3 of the Board of County Commissioners. The ordinance must be published twice by title after adoption and pursuant to the term sheet provided by Wells Fargo, the debenture must close by May 30, 2014 which means the second publication may not be later than May 29, 2014.

5. **Supporting materials:** Ordinance
Documents from USDA showing approvals on Letter for Conditions for the Project.
Wells Fargo Term Sheet

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**  District Attorney

8. **Reviewed by:**
____ Department Head

Department Name: Commissioner's Office

 County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

Summary - An ordinance authorizing the issuance by Storey County, Nevada of its Sewer Revenue Interim Debenture, Series 2014, and providing other matters relating thereto.

BILL NO. ____

ORDINANCE NO. 14-257

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY, NEVADA, AUTHORIZING AND DIRECTING THE ISSUANCE OF A SEWER REVENUE INTERIM DEBENTURE, SERIES 2014 IN ANTICIPATION OF THE RECEIPT OF CERTAIN FUNDS AND THE ISSUANCE AND SALE OF A SEWER REVENUE BOND OF THE COUNTY THEREFOR; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE DEBENTURE, THE SECURITY THEREFOR, THE SALE THEREOF, PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS, AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, Storey County, Nevada (the "County" and the "State," respectively) was created as a County pursuant to Section 243.045 of Nevada Revised Statutes ("NRS") and is operating as a County, which is a political subdivision under the laws of the State; and

WHEREAS, pursuant to NRS Sections 244A.011 through 244A.065 (the "County Bond Law"), specifically NRS Section 244A.057, as well as NRS Sections 350.350 through 350.490 (the "Water and Sewer Act"), cited in NRS 350.350 as the Water and Sewer Revenue Bond Law, and NRS Chapter 350 and all laws amendatory thereof, which includes the Local Government Securities Laws, being Sections 350.500 through 350.720, and all laws amendatory thereof (the "Bond Act"), the Board of County Commissioners of the County (the "Board") is authorized to acquire, improve, equip, operate and maintain, within the County, a sewerage project as defined in NRS 244A.0505 and to provide for the purchase, construction, repair, maintenance and preservation of sanitary sewer systems and the purchase of sites therefor and to acquire by gift, purchase or the exercise of the right of eminent domain, construct, reconstruct, improve, better and extend any undertaking as defined in NRS 350.360 (the "Project"); and

WHEREAS, pursuant to the County Bond Law, the Board, on behalf of the County, is authorized and empowered to issue the County's sewer revenue bond to defray the

cost of the Project, in the manner and on the conditions provided in the County Bond Law and the Water and Sewer Act; and

WHEREAS, for the purpose of defraying a part of the cost of the Project, the Board deems it necessary to issue the Storey County, Nevada, Sewer Revenue Interim Debenture, Series 2014 (the "Debenture") in an amount specified in the Certificate of the County Comptroller (as defined herein), but not to exceed the cost of the Project, in anticipation of the receipt of the funds from the issuance of such sewer revenue bond and from other sources pursuant to the Water and Sewer Act, including the net revenues (i.e. the gross revenues less the costs of operation and maintenance) of the County's sewer system (the "Utility System") as improved and extended by the Project (the "Net Revenues"); and

WHEREAS, the County Comptroller is hereby authorized to solicit bids for the Debenture and accept a binding bid for the Debenture from the best bidder therefor (the "Purchaser"); and

WHEREAS, the Board has determined, and does hereby determine and declare, that it is necessary and in the best interests of the County that an amount specified in the Certificate of the County Comptroller (as defined herein), or such lesser amount as shall represent the aggregate principal amount advanced by the Purchaser to the County, as shown on the principal advance panel appended to the Debenture, be borrowed for the Project at this time by the issuance of the Debenture in anticipation of the receipt of loan moneys (the "Loan") from the United States of America, acting by and through the United States Department of Agriculture, Rural Development ("RD"), the Loan to be in the form of the purchase by RD of the sewer revenue bond to be issued by the County pursuant to the Bond Act, and grant moneys (the "RD Grants") from RD; and

WHEREAS, the commitment of RD to provide the Loan and the RD Grants are evidenced by that certain Letter of Conditions dated March 19, 2013 (the "Commitment"); and

WHEREAS, after negotiation with the Purchaser for the sale of the Debenture, the County Comptroller of the County is hereby authorized to accept a binding offer from the Purchaser for the Debenture, the Debenture to bear interest at the fixed rate per annum provided in the debenture purchase proposal submitted by the Purchaser (the "Debenture Purchase Proposal"), such rates not to exceed 3% over the Index of Revenue Bonds most recently published in The Bond Buyer prior to the time the negotiated offer was accepted for the Debenture (calculated on the basis of a 360-day year of twelve 30-day months), at a price equal to the principal amount thereof plus a premium or less a discount not to exceed 9 percent of the

principal amount of the Debenture, all as specified by the County Comptroller in a certificate dated on or before the date of delivery of the Debenture (the "Certificate of the County Comptroller"); and

WHEREAS, the Board desires to issue the Debenture for the purpose of paying a contractor for the Project and otherwise defraying related costs and expenses until moneys are available from the issuance of the sewer revenue bond and from the RD Grants; and

WHEREAS, the County intends to pay the Debenture from the proceeds of the Loan by the issuance of the sewer revenue bond to be hereafter delivered to RD, proceeds of the RD Grants, and from the Net Revenues to be collected from operation of the Utility System; and

WHEREAS, the Board hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Debenture; and

WHEREAS, the Board has determined and hereby declares that each of the limitations and other conditions to the issuance of the Debenture in the County Bond Law, the Bond Act, the Water and Sewer Act, the Supplemental Bond Act, and in any other relevant act of the State or the federal government has been met, and pursuant to NRS 350.708, such determination of the Board that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

WHEREAS, the Board has determined and does hereby declare:

(1) This Ordinance pertains to the sale, issuance and payment of the Debenture;

(2) Such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of NRS 350.579 of the Bond Act; and

(3) This Ordinance may accordingly be adopted as if an emergency now exists by an affirmative vote of not less than two-thirds of all of the voting members of the Board (excluding from any such computation any vacancy on the Board and any member thereof who may vote only to break a tie vote), and this Ordinance may become effective at any time when an emergency ordinance of the County may go into effect.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY DO ORDAIN:

Section 1. This Ordinance shall be known and may be cited as the "2014 Interim Debenture Ordinance" (the "Ordinance").

Section 2. The County Comptroller on behalf of the County is authorized to accept the Debenture Purchase Proposal submitted by the Purchaser on behalf of the County.

Section 3. The fixed interest rate or rates to be set forth and accepted in the Certificate of the County Comptroller shall not exceed 3% over the Index of Revenue Bonds most recently published in The Bond Buyer before the negotiated offer for the Debenture is accepted (calculated on the basis of a 360-day year of twelve 30-day months).

Section 4. For the purpose of providing for the payment of a part of the costs and expenses of the Project and for the purpose of defraying other costs (incidental or otherwise) heretofore incurred or to be incurred in the County, there shall be issued, and the County hereby authorizes and directs the issuance of the County's fully registered (i.e. registered as to both principal and interest) Debenture in the maximum principal amount as specified in the Certificate of the County Comptroller to be designated the "Storey County, Nevada Sewer Revenue Interim Debenture, Series 2014," or such lesser amount as is advanced to the County by the Purchaser. The Debenture shall be dated as of the date of delivery, shall mature on the date or dates as set forth in the Certificate of the County Comptroller, which shall not exceed five years from the dated date of the Debenture (the "Maturity Date"), subject to the County's option to redeem the Debenture by prior redemption as described below. The Debenture shall be in minimum denominations, if any, set forth in the Certificate of the County Comptroller.

The principal advanced under the Debenture shall bear interest at a fixed interest rate per annum designated in the Certificate of the County Comptroller from the date of each advance until the total principal advanced under the Debenture has been paid in full; upon the occurrence of any of the following, each of which shall constitute an "event of default" hereunder: (i) payment of the principal of the Debenture is not made by the County when due; (ii) payment of any interest on any Debenture is not made by the County when due; (iii) any representation or warranty made by the County in this Ordinance proves to have been untrue or incomplete in any material respect; (iv) the County defaults in the performance of any other of its covenants in this Ordinance, and such default continues for sixty (60) days after written notice specifying such default and requiring the same to be remedied is given to the County by the registered owners of twenty-five percent (25%) in aggregate principal amount of the Debenture then outstanding; (v) the County files a petition under the federal bankruptcy laws or other applicable bankruptcy laws seeking to adjust the debt represented by the Debenture; or (vi) the County is deemed insolvent; or (vii) the County is not in compliance with any covenants under this Ordinance or any or any other document in connection with the issuance of the Debenture, the owner of the Debenture may increase the interest rate per annum on the Debenture equal to the sum of the Prime Rate (as defined below) plus 4.00% provided that at no time shall the

effective interest rate per annum exceed 3% the "Index of Revenue Bonds" which was most recently published in The Bond Buyer before the negotiated offer was accepted for the Debenture (the "Maximum Rate"). "Prime Rate" means, for any day, the rate of interest per annum announced from time to time by the Purchaser in its sole discretion as its prime rate. The Prime Rate shall change on the day on which such a change is announced by the Purchaser. The Prime Rate is not necessarily announced to the public or the lowest rate charged to any corporate customer by the Purchaser.

Upon the occurrence of a Determination of Taxability (as defined herein), the County will prepay the Debenture within sixty (60) days with a premium so that the total amount of premium plus interest paid from the date of the Determination of Taxability through the date of prepayment would be calculated as the interest rate borne by the Debenture multiplied by a tax-exempt factor determined by the Purchaser, which is currently estimated at 1.55 (the "Taxable Rate"), plus any other expenses incurred by the Purchaser as a result of the Determination of Taxability; provided that in no event shall the effective interest rate exceed the Maximum Rate.

"Determination of Taxability" means (a) the occurrence of any action that, in the judgment of the County, in reliance on the advice of bond counsel, will adversely affect the exclusion of interest on the Debenture from gross income for purposes of federal income taxation, (b) the failure to take any action that, in the judgment of the County, in reliance on the advice of bond counsel, is necessary to preserve the exclusion of interest on the Debenture from gross income for purposes of federal income taxation, (c) the County shall take any action or omit to take any action that results in the interest of the Debenture being includable in gross income for purposes of federal income taxation.

The Debenture shall bear interest payable to the registered owners of the Debenture on the unpaid balance of the total principal advanced from the date or dates of each advance to the applicable Maturity Date, semi-annually commencing on December 1, 2015 and on each June 1 and December 1 thereafter until the Maturity Date, installment payment dates, if any, or prior redemption. Notwithstanding the foregoing, the obligation of the County as represented by the Debenture shall be the amount specified in the Certificate of the County Comptroller or such lesser amount as shall represent the aggregate principal amount advanced by the Purchaser to the County, as shown on the principal advance panel appended to the Debenture. Each of the Chairman, the County Comptroller or the County Treasurer is hereby authorized to request advances of principal from the Purchaser in the minimum amount, if any,

specified in the Certificate of the County Comptroller pursuant to a principal advance request in the form attached to the Debenture which, when executed, such principal amount requested thereunder and advanced shall be deemed to be designated on the principal advance panel appended to the Debenture. Interest shall be calculated on the basis of a three hundred sixty (360) day year, of twelve (12) thirty (30) day months.

The Debenture shall be redeemed and retired from the proceeds of the Loan to be evidenced by the issuance of the bond or bonds to be delivered to RD, from the proceeds received pursuant to the RD Grants, or from the Net Revenues of the Utility System if the bond or bonds and grants are not sufficient to retire the outstanding principal amount of the Debenture or otherwise. The interest on the Debenture shall be secured by and paid only from the proceeds of the Loan to be evidenced by the issuance of the bond or bonds to be delivered to RD, the proceeds of the RD Grants, and the Net Revenues of the Utility System. Principal shall be payable only on the Maturity Date, installment payment dates, if any, or on an early redemption date as described herein, solely to the registered owner thereof upon surrender thereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the County Treasurer, Storey County, Nevada (the "Paying Agent").

Section 5. The Debenture shall be signed and executed by the manual signature of the Chairman, shall be sealed with the seal of the County, shall be countersigned by the manual signature of the County Treasurer and shall be attested by the manual signature of the County Clerk. The fully registered Debenture bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligation of the County notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

Section 6. The Debenture shall be fully registered in the name of the owner for the payment of both principal and interest in the office of the County Treasurer in Storey County, Nevada, and any transfer thereof must likewise be registered in said office. The County Treasurer is hereby appointed as registrar for the Debenture (the "Registrar") and shall maintain records at all times that the Debenture is registered as to both principal and interest, and the name, address and taxpayer identification number of the owner thereof. The Registrar will not be required to transfer the Debenture (i) during a period beginning at the opening of business 10 days before the day of the notice of prior redemption of the Debenture and ending at the close of business on the day of such notice, or (ii) after the notice calling such Debenture for prior prepayment or redemption is sent. The Registrar, shall note such registration on the registration

records and on the registration panel on the Debenture showing that such Debenture is registered as to both principal and interest. The County and its officers may treat the person in whose name the Debenture is registered as the absolute owner, whether or not such Debenture shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon any part of the Debenture to the extent of the amount so paid.

Section 7. The Debenture, or portions thereof, maturing on and after the date set forth in the Certificate of the County Comptroller shall be subject to redemption prior to maturity, at the option of the County, on and after the date set forth in the Certificate of the County Comptroller, in whole or in part, in the amounts selected by the County, upon written notice to the registered owner of the Debenture by mail no later than ten (10) days prior to the date of such intended redemption. Neither failure of the Debenture holder to receive any such notice nor any defect therein shall affect the validity of the proceedings for the redemption of the Debenture or the cessation of the accrual of interest thereon. From and after the date fixed for redemption (if funds available for the payment of the principal of and interest on the Debenture called for redemption shall have been duly provided), the Debenture shall cease to be entitled to any benefit under this Ordinance other than the right to receive payment of the redemption amount, and no interest shall accrue thereon from and after the redemption date specified in such notice. Any prepayment shall be applied first to accrued interest and second to the outstanding principal amount of the Debenture or portion thereof.

Notwithstanding the provisions of this section, any notice of prepayment or redemption may contain a statement that the redemption is conditional upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Debenture so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the owners of the Debenture called for redemption in the same manner as the original redemption notice was sent.

Section 8. The Debenture shall be in substantially the following form:

[Form of Debenture]

TRANSFER OF THIS DEBENTURE OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

STOREY COUNTY, NEVADA
SEWER REVENUE INTERIM DEBENTURE
SERIES 2014

No. R-1

Maximum Principal Amount: \$ _____

Maturity Date

Dated as of

_____, _____

_____, 2014

REGISTERED OWNER:

MAXIMUM PRINCIPAL AMOUNT: _____

Storey County, Nevada (the "County") will on the maturity date stated above, or at an earlier date upon prior redemption by the County as described below, pay to the registered owner hereof as specified above, or registered assigns, the maximum principal amount specified above, or such lesser amount as shall represent the aggregate principal amount advanced to the County, as shown on the principal advance panel appended hereto, at the office of the County Clerk/Treasurer of the County, as paying agent (the "Paying Agent") and registrar (the "Registrar"). The aggregate principal amount of all advances made under this Debenture shall not exceed \$ _____. The principal advanced hereunder shall bear interest at a fixed rate equal to _____ from the date of each advance until the total principal advanced under the Debenture has been paid in full provided that in no event shall the effective interest rate exceed _____% (i.e. 3% over the "Index of Revenue Bonds" which was most recently published in The Bond Buyer before the negotiated offer was accepted for the Debenture calculated based on a 360-day year and twelve 30 days months) (the "Maximum Rate"). Interest shall be payable at the office of the Paying Agent, on _____ and _____ (each an "Interest Payment Date") commencing on _____, 2014 and semi-annually thereafter until the principal hereof is paid in full at maturity date shown above or upon prior redemption; upon the occurrence of any of the following, each of which shall constitute an "event of default" hereunder: (i) payment of the principal of the Debenture is not made by the County when due; (ii) payment of any interest on any Debenture is not made by the County when due; (iii) any representation or warranty made by the County in this Ordinance proves to have been untrue or incomplete in any material respect; (iv) the County defaults in the performance of any other of its covenants in this Ordinance, and such default continues for sixty (60) days after written notice specifying such default and requiring the same to be remedied is given to the County by the registered owners of twenty-five percent (25%) in aggregate principal amount of the Debenture then outstanding; (v) the County files a petition under the federal bankruptcy laws or other applicable bankruptcy laws seeking to adjust the debt represented by the Debenture; or (vi) the County is deemed insolvent; or (vii) the County is not in compliance with any covenants under this Ordinance or any or any other document in connection with the issuance of the Debenture, the owner of the Debenture may increase the interest rate per annum on the Debenture equal to the sum of the Prime Rate (as

defined below) plus 4.00% provided that at no time shall the effective interest rate per annum exceed 3% the "Index of Revenue Bonds" which was most recently published in The Bond Buyer before the negotiated offer was accepted for the Debenture (the "Maximum Rate"). "Prime Rate" means, for any day, the rate of interest per annum announced from time to time by the Purchaser in its sole discretion as its prime rate. The Prime Rate shall change on the day on which such a change is announced by the Purchaser. The Prime Rate is not necessarily announced to the public or the lowest rate charged to any corporate customer by the Purchaser. Interest shall be calculated on the basis of a three hundred sixty (360) day year, of twelve (12) thirty (30) day months.

The holder of the Debenture shall notify the County in writing of the interest due and the calculation thereof at least 10 days prior to each Interest Payment Date.

Upon the occurrence of a Determination of Taxability (as defined herein), the County will prepay the Debenture within sixty (60) days with a premium so that the total amount of premium plus interest paid from the date of the Determination of Taxability through the date of prepayment would be calculated as the interest rate borne by the Debenture multiplied by a tax-exempt factor determined by the Purchaser, which is currently estimated at 1.55 (the "Taxable Rate"), plus any other expenses incurred by the Purchaser as a result of the Determination of Taxability; provided that in no event shall the effective interest rate exceed the Maximum Rate.

"Determination of Taxability" means (a) the occurrence of any action that, in the judgment of the County, in reliance on the advice of bond counsel, will adversely affect the exclusion of interest on the Debenture from gross income for purposes of federal income taxation, (b) the failure to take any action that, in the judgment of the County, in reliance on the advice of bond counsel, is necessary to preserve the exclusion of interest on the Debenture from gross income for purposes of federal income taxation, (c) the County shall take any action or omit to take any action that results in the interest of the Debenture being includable in gross income for purposes of federal income taxation.

The principal amount of the Debenture and interest due hereon, on an interest payment date, at maturity or on any redemption date as provided below, is payable solely to the registered owner hereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the Paying Agent. Principal or interest on this Bond shall be paid by check or draft mailed (or such other means as is agreed to by the Paying Agent and the registered owner of this Bond, including debit from a deposit account of the County held by the Purchaser) on or before each interest or principal payment date (or if such date is not a business day, on the next succeeding business day) to the registered owner hereof at the address appearing on the registration records maintained by the Registrar. If, upon presentation at maturity, payment of this Debenture is not made as provided herein, interest shall continue at a fixed interest rate equal to the Default Rate; provided that in no event the interest rate equal to _____% (i.e., 3% over the Index of Revenue Bonds most recently published in The

Bond Buyer before the negotiated offer for the Debenture is accepted calculated on the basis of a 360-day year of twelve 30-day months) until the principal hereof is paid in full.

[The principal of this Debenture may be prepaid or redeemed in whole or in part [on _____][at any time] prior to maturity at the option of the County at a price equal to the principal amount thereof so redeemed plus accrued interest to the redemption date, without premium, upon ten (10) days' notice, to the registered owner hereof as provided in the ordinance authorizing the issuance of this Debenture, adopted and approved by the Board of County Commissioners of the County (the "Board") on _____, 2014 (the "Ordinance"). Any prepayment shall be applied first to accrued interest and second to the outstanding principal amount of the Debenture as designated by the County Clerk/ Treasurer.]

This registered Debenture and the interest hereon shall be a special obligation of the County for the payment of which the County hereby pledges the proceeds of a grant from the net revenues (i.e. the gross revenues less the costs of operation and maintenance) to be derived from the operation of the County's sewer system (the "Utility System"), the proceeds of a Loan to be evidenced by the County's sewer revenue bond which is to be sold to the United States of America, acting by and through the United States Department of Agriculture, Rural Development (the "RD"), proceeds of a grant from RD, all as provided in the Ordinance and issued pursuant to the County Bond Law (NRS 244A.011 through 244A.065), the Water and Sewer Revenue Bond Law (NRS 350.350 through 350.490) and the Local Government Securities Law (NRS 350.500 through 350.720). This Debenture is being issued pursuant to the provisions of and in accordance with the provisions of the Local Government Securities Law and the provisions of such Law have been met and such determination shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion and the recital that the Debenture is issued pursuant to the Local Government Securities Law is conclusive evidence of its validity and the regularity of its issuance.

The Debenture is issuable solely as a fully registered debenture and is transferable for a fully registered debenture in equivalent aggregate principal amount at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of the charges provided in the Ordinance. The Registrar will not be required to transfer the Debenture (i) during a period beginning at the opening of 10 days before the day of the notice of prior redemption of the Debenture and ending at the close of business on the day of such notice, or (ii) after the date of notice calling the Debenture for prior redemption.

This Debenture must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Debenture shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

It is hereby certified, recited and warranted that all of the requirements of law have been fully complied with by the proper officers of the County in the issuance of this Debenture.

No recourse shall be had for the payment of the principal and interest of this Debenture or for any claim based thereon or otherwise upon the Ordinance, against any individual member of the Board or any officer or other agent of the County, past, present, or future, either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Debenture and as a part of the consideration of its issuance specially waived and released.

This Debenture shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the registration panel appended hereto.

This Debenture shall be governed by the laws of the State of Nevada.

IN WITNESS WHEREOF, Storey County, in the State of Nevada, acting by and through the Board of County Commissioners, has caused this Debenture to be signed and executed in the name and on behalf of the County with the manual signature of the Chairman, countersigned with the manual signature of the County Clerk/Treasurer and attested by the manual signature of the County Clerk/Treasurer and has caused the manual impression of the corporate seal of the County to be affixed hereon, all as of the date above designated.

STOREY COUNTY, NEVADA

Chairman

Countersigned:

(SEAL)
Attest:

County Clerk/Treasurer

County Clerk/Treasurer

[End of Form of Debenture]

[Form of Advance Panel]

PRINCIPAL ADVANCES
[(Minimum Advances of \$_____)]

Date	Amount of Advance	Signature of Chairman, County Comptroller or County Clerk/Treasurer
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

[End of Form of Advance Panel]

[Form of Registration Panel]

PROVISION FOR REGISTRATION AS TO PRINCIPAL AND INTEREST

This Debenture must be registered as to both principal and interest on the registration records of the County, kept by the County Treasurer, as Registrar. After registration as to principal and interest, the Registrar shall note such registration on such registration records and in the registration blank below, and the principal and interest on this Debenture shall be paid to such registered owner. This Debenture may be transferred by the registered owner or his or her legal representative only upon a duly executed assignment in form satisfactory to the Registrar, such transfer to be made on said registration records and endorsed hereon.

Every privilege, registration and transfer shall be exercised only in accordance with the authorizing Ordinance and such reasonable rules and regulations as the Registrar may prescribe.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of County Clerk/ Treasurer as Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

[End of Registration Panel]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Debenture and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Debenture, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Address of transferee:

Social Security or other tax
identification number of
transferee: _____

Note: The signature to this Assignment must correspond with the name as written on the face of the within Debenture in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

FORM OF PRINCIPAL ADVANCE REQUEST

Date: _____

[Name of Bank]

Re: Storey County, Nevada
Sewer Revenue Interim Debenture, Series 2014
Dated _____, 2014

Ladies and Gentlemen:

The undersigned hereby requests that you make a principal advance in the amount of \$ _____ on the above-captioned Debenture to the order of the undersigned Storey County, Nevada (the "County") on or before _____.

The undersigned hereby certifies and warrants that:

1. The aggregate of principal advances requested from the Bank under the above-referenced Debenture, including the advance requested in this letter, do not exceed the maximum principal amount of the Bonds of \$ _____;

2. All representations and warranties of the County contained in the Debenture and the documents accompanying the Debenture, including, without limitation, the Federal Tax Exemption Certificate dated _____, 2014, remain true and correct on this date as if made on this date. No law has been adopted which would in any way adversely affect the County's authority to obtain and repay this advance. The County covenants to advise you immediately if any such law is adopted; and

3. Please deposit the amount advanced into our account: Routing # _____, Account # _____

Respectfully submitted,

STOREY COUNTY, NEVADA

By: _____
(Must be Chairman, County Clerk/Treasurer or County Comptroller)

[End of Form of Debenture]

Section 9. There is hereby created a special account to be designated the "2014 Interim Debenture Proceeds Account" (the "Proceeds Account"). The proceeds received by the County and advanced from the Purchaser shall be deposited in the Proceeds Account. Moneys deposited in the Proceeds Account shall be used and expended by the County solely for the cost of the Project within the meaning of NRS 350.516, including, but not limited to, costs of issuance of the Debenture, and for the purposes for which the proceeds of the Loan and the RD Grants are to be received, and any money remaining in the Proceeds Account shall be used to pay the principal of and interest on the Debenture and after such Debenture is paid in full (both principal and interest) shall be transferred to the debt service fund to be created in the ordinance authorizing the issuance of the sewer revenue bond. The principal advanced on the Debenture may be invested by the County Treasurer as permitted under State law.

Section 10. The principal amount of the Debenture, together with the interest thereon, shall be payable from the moneys to be received pursuant to the Loan from RD, the RD Grants, and Net Revenues of the Utility System. As security for the payment of the principal of and interest on the Debenture, the County hereby pledges the moneys to be received by the County with respect to the Loan and moneys received pursuant to the RD Grants (such pledged amount being hereinafter called the "Pledged Loan Receipts"). The pledge of Pledged Loan Receipts to repay the principal of the Debenture and the interest thereon shall constitute a prior lien and charge thereon and such principal of and interest on the Debenture shall be payable from the Pledged Loan Receipts. Notwithstanding the foregoing, to the extent the principal of or interest on the Debenture is not paid from Pledged Loan Receipts, as herein provided, such principal of or interest on the Debenture shall be paid, to the extent permitted by law, from, and the County hereby pledges for such payment, the Net Revenues of the Utility System lawfully available therefor and such pledge shall constitute a prior lien and charge thereon. Other than the issuance of the sewer revenue bond to be delivered to RD to pay in part the principal of and interest on the Debenture, the County shall not issue additional obligations secured by the Pledged Loan Receipts and the Net Revenues of the Utility System until the Debenture has been paid in full.

Section 11. There is hereby created a special account to be designated the "2014 Interim Debenture Repayment Account" (the "Repayment Account") to be applied as directed in this Ordinance. Any money placed in the Repayment Account shall be for the benefit of the holder of the Debenture and, until the Debenture and all interest thereon is paid or until provision has been made for the payment of the Debenture at maturity with interest to maturity

or any default interest if not paid at maturity, the moneys in the Repayment Account shall be applied solely for the purposes for which the Repayment Account is created. As received, the County shall deposit all Pledged Loan Receipts in the Repayment Account. At least one day prior to an early redemption date, if applicable, or on any maturity date of the Debenture, the County shall transfer to the Paying Agent the moneys in the Repayment Account necessary to pay the principal of and interest on the Debenture. Any moneys remaining in the Repayment Account after the Debenture and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the Proceeds Account.

Section 12. If the Debenture shall become mutilated, the Registrar, at the expense of the holder of the Debenture, shall execute and deliver a new debenture of like maturity and principal amount in exchange and substitution for the Debenture so mutilated, but only upon surrender to the Registrar of the Debenture so mutilated. Every mutilated debenture so surrendered to the Registrar shall be canceled by it and destroyed. If the Debenture shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Registrar and if such evidence is satisfactory to the Registrar and County and indemnity satisfactory to the Registrar shall be given, the Registrar, at the expense of the owner, shall execute and deliver a new debenture of like maturity and principal amount in lieu of and in substitution for the Debenture so lost, destroyed or stolen. The Registrar may require payment of a sum not exceeding the actual cost of preparing each new debenture issued and of any extra expenses which may be incurred by the Registrar. Any debenture issued under the provisions of this Section in lieu of a debenture alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the County whether or not the debenture so alleged to be lost, destroyed or stolen is at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Ordinance with any other debentures issued pursuant to this Ordinance.

Section 13. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of the Debenture and/or other obligations, the Board hereby determines and declares as follows: (i) the County reasonably expects to incur expenditures with respect to the Project prior to the issuance of the Debenture and/or other obligations for financing the Project and to reimburse those expenditures from the issuance of the Debenture and/or other obligations; and (ii) the maximum principal amount of the Debenture and/or other obligations expected to be used to reimburse such expenditures is \$3,000,200. This is a declaration of official intent under Section 1.150-2 of the regulations promulgated under the

Internal Revenue Code of 1986, as amended to the date of delivery of the Debenture (the "Code").

Section 14. The County covenants for the benefit of the owner of the Debenture that it will not take any action or omit to take any action with respect to the Debenture, the proceeds thereof, any other funds of the County or any facilities financed with the proceeds of the Debenture if such action or omission (i) would cause the interest on the Debenture to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Code, or (ii) would cause interest on the Debenture to lose its exclusion from alternative minimum taxable income as defined in Section 55(b) (2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Debenture until the date on which all obligations of the County in fulfilling the above covenant under the Code have been met.

The Board hereby designates the Debenture for purposes of paragraph (3) of section 265(b) of the Code and covenants that the Debenture does not constitute a private activity bond as defined in section 141 of the Code, and that not more than \$10,000,000 aggregate principal amount of obligations, the interest on which is excludable under section 103(a) of the Code from gross income for federal income taxes (excluding, however, private activity bonds, as defined in section 141 of the Tax Code, other than qualified 501(c)(3) bonds as defined in section 145 of the Code), including the Debenture, have been or are expected to be issued by or on behalf of the County, including all subordinate entities of the County during calendar year 2014.

Section 15. It is hereby covenanted and warranted by the County that all representations and recitals contained in this Ordinance are true and correct, and that the County and its appropriate officials have duly taken all proceedings necessary to be taken, and will take any additional proceedings necessary to be taken by them, to carry out the provisions of this Ordinance. In addition, it is hereby covenanted by the County that the County will (a) proceed to complete, with all practicable dispatch, the construction and acquisition of the Project, (b) not make or cause or permit to be made any application of the proceeds of the Debenture or of any moneys in the Repayment Account except in accordance with this Ordinance, (c) comply in all respects with the terms and provisions of the Commitment from RD and with all applicable State and federal laws and regulations governing implementation of the Commitment from RD, (d)

take all actions necessary to preserve its right to receive any moneys, reimbursements, and other moneys under the Commitment, (e) apply or continue to apply the appropriated moneys and any other available funds to pay those costs not expected to be reimbursed from Pledged Loan Receipts until all such costs have been paid, and (f) promptly request or otherwise secure each reimbursement or other moneys to which it has become entitled under the Commitment from RD.

Section 16. The County reserves the privilege of issuing at a later time or times, from time to time, any securities hereafter authorized by law (not herein *designated for* issuance), as moneys, if any, are needed for the project or projects for which such securities are authorized respectively to be issued.

Section 17. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation, the execution of such certificates as may be reasonably required by RD or the Purchaser relating to the signing of the Debenture, the tenure and identity of the officials of the County and of the Board, the delivery of the Debenture and the receipt of the purchase price, and, if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof, and the absence and existence of factors affecting the exemption of interest on the Debenture from federal income taxation, the assembly and dissemination of financial and other information concerning the County, the Board and the Debenture, and the sale and issuance of the Debenture pursuant to the provisions of this Ordinance and to any instrument supplemental thereto.

Section 18. The Board has expressed in the preambles to this Ordinance that it pertains to the sale, issuance, or payment of a sewer revenue bond, and that this instrument may accordingly be adopted as if an emergency now exists. This Ordinance shall become effective after its publication at least twice by its title only, together with the names of the Commissioners voting for or against its passage and a statement that typewritten copies of this Ordinance are available for inspection by interested parties at the office of the County Clerk, such publication to be made in a newspaper or newspapers of general circulation in the County at least once a week for a period of two weeks, and such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY, NEVADA, AUTHORIZING AND DIRECTING THE ISSUANCE OF A SEWER REVENUE INTERIM DEBENTURE, SERIES 2014 IN ANTICIPATION OF THE RECEIPT OF CERTAIN FUNDS AND THE ISSUANCE AND SALE OF A SEWER REVENUE BOND OF THE COUNTY THEREFOR; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE DEBENTURE, THE SECURITY THEREFOR, THE SALE THEREOF, PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS, AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Storey County, Nevada; and that such ordinance was proposed on May 6, 2014, and was passed at the meeting held on May 6, 2014, by the following vote of the Board:

Those Voting Aye:

Those Voting Nay:

Those Absent:

IN WITNESS WHEREOF, the Board of County Commissioners of Storey County, Nevada, has caused this instrument to be published by title only.

DATED on this _____, 2014.

/s/ _____
Chairman, Board of
County Commissioners
Storey County, Nevada

(SEAL)

Attest:

/s/ _____
County Clerk
Storey County, Nevada

(End of Form of Publication)

Section 19. All consistent action taken previously by the County and the Board officers directed toward the Project and toward the issuance of the Debenture for that purpose is ratified, approved, and confirmed.

Section 20. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this Ordinance.

Proposed on May 6, 2014.

Proposed by Commissioner _____.

Passed May 6, 2014.

Those Voting Aye:

Those Voting Nay:

Absent:

Chairman
Board of County Commissioners
Storey County, Nevada

(SEAL)

Attest:

County Clerk
Storey County, Nevada

STATE OF NEVADA)
) ss
COUNTY OF STOREY)

I am the duly chosen, qualified, and acting County Clerk of Storey County (herein "County"), Nevada, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a true, correct and compared copy of the original 2014 Interim Debenture Ordinance (the "Ordinance") adopted by the Board of County Commissioners (the "Board") at a regular meeting thereof held on May 6, 2014.

2. The Ordinance has been approved and authenticated by the signatures of the Chairman of the Board and myself as County Clerk, and sealed with the seal of the County, and has been recorded in the minute book of the Board kept for that purpose in the my office, which record has been duly signed by such officers and properly sealed.

3. All of the members of Board were present at the May 6, 2014 meeting and voted on the passage of such ordinance as set forth in the Ordinance.

4. All members of the Board were given due and proper notice of such meeting.

5. Public notice of such meeting were given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meetings containing the time, place, location and an excerpt from the agenda for the meeting relating to the Ordinance, as posted not later than 9:00 a.m., 3 working days in advance of the meetings at the Board's office, on the County's website, if any, and at:

- (i) Virginia City Post Office
- (ii) Storey County Courthouse
- (iii) Virginia City Fire Station
- (iv) Virginia City Highlands Fire Station
- (v) Lockwood Fire Station

A true, correct, complete and compared copy of the notice so given of the meeting of the Board is attached to this certificate as Exhibit A.

6. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was given to each person, if any, who has requested notice of the meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

IN WITNESS WHEREOF, I have hereunto set my hand this May 6, 2014.

County Clerk

EXHIBIT A
(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication Twice by Title)



April 15, 2014

Hugh J. Gallagher
Comptroller
Storey County
PO Box 492
Virginia City, Nevada 89440

Dear Mr. Gallagher:

We are pleased to express our interest in considering the credit accommodation described below. This letter is not intended to constitute a commitment or offer to lend on the part of Wells Fargo Bank, National Association ("Wells Fargo" or "Bank"), but only to summarize, for discussion purposes, the credit accommodation we are interested in considering at this time.

BORROWER:	Storey County (the "Borrower")
PURCHASER:	Wells Fargo Bank, National Association ("Wells Fargo" or the "Bank"), or a wholly-owned subsidiary of the Bank.
FACILITY AMOUNT:	Up to \$3,000,200 in principal.
STRUCTURE:	<p>The Bank will purchase fixed rate bonds, (the "Bonds").</p> <p>Disbursement and use of funds shall be administered in accordance with conditions set forth by the USDA in a Letter of Conditions dated March, 19 2013.</p>
PURPOSE:	The Bonds will be used to finance, on an interim basis, the design, engineering and construction of a new Wastewater Treatment Plant.
SECURITY:	System revenues and receipt of the USDA Loan funds. Financing is subject to a final, permanent loan commitment from the USDA – Rural Development Utilities Program.
REPAYMENT TERMS:	Interest paid semi-annually. Principal due at maturity.
INTEREST RATE:	<p>The Bonds will contain a Fixed Rate of 1.56% for 18 months from the date of closing. Interest to be calculated based upon a 30/360 year.</p> <p>The Fixed Rate is subject to change if the Bond is not closed by May 30, 2014.</p>
PREPAYMENT:	The Bond will be prepayable at any time upon 10 days written notice without penalty.
CLOSING FEE:	\$10,000 payable at closing. This fee includes the Bank's internal legal review.
OTHER FEES:	Usual and customary for this type of financing.

TAXABLE RATE:	In case of a determination of taxability, the Borrower will prepay the bonds within 60 days with a premium so that the total amount of premium plus interest paid from the date of taxability through the date of prepayment would be calculated at the Tax Free Rate multiplied by a Tax-Exempt factor currently estimated at 1.55 plus any other expenses incurred by the Bondholder as a result of the determination of taxability.
PRINCIPAL FINANCIAL COVENANTS:	Usual and customary for transactions of this nature, including but not limited to: <ul style="list-style-type: none"> • No additional indebtedness prior to pay off of the Interim Debenture.
DEFAULT RATE:	Wells Fargo Prime Rate plus 4.00%
CONDITIONS PRECEDENT TO CONSIDERING CREDIT ACCOMMODATION:	<p>The Facility will be governed by an Agreement for the benefit of the Bank, which agreement will contain conditions and covenants and other provisions that would be usual and customary for this type of financing, including but not limited to:</p> <ol style="list-style-type: none"> 1) Approval of Bank's senior credit management 2) No material adverse change in the assets, operations, condition (financial or otherwise) or prospects of the Borrower, nor in the facts and information regarding such entities as represented to date prior to Closing. 3) It is assumed that the transaction will be "bank-qualified" under the \$10 million small issuer exemption as defined in the Tax Reform Act of 1986. 4) The Borrower shall designate the Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. 5) Bond Counsel opinion, paid for by the Borrower. 6) Execution of satisfactory bond documentation and all other legal documents usual and customary for a transaction of this type. Payment of all fees, including but not limited to, legal fees and closing fees. 7) Copies of interim project inspection reports, minutes of each project meeting and USDA disbursement approvals during the course of construction. 8) Board Resolution 9) Compliance with all applicable directives as stated in USDA Letter of Conditions dated March 19, 2013. 10) Other conditions deemed appropriate.
EMMA AND RATING AGENCY DISCLOSURE:	To maintain transparency with its existing bondholders and the rating agencies, Wells Fargo requests that the Obligor a) post the Resolution and Ordinance on the MSRB's EMMA site following the closing of the transaction, provided that pricing and certain other information contained therein, as directed by the Bank, shall be redacted prior to such posting and b) deliver relevant financing documents to the rating agencies.
REPORTING REQUIREMENTS:	Usual and customary for transactions of this nature.

**FUTURE
MODIFICATIONS:**

The terms, conditions and interest rates herein reference the financing and the par amount indicated herein and are subject to revision in the discretion of the Bank, including, without limitation, in the event that (i) the par amount changes, (ii) the transaction deviates materially from what was initially described in conjunction therewith, (iii) the proposed financing does not close (other than as a result of action/inaction by the Bank) or (iv) events occur resulting in a material disruption of the market.

**NO ADVISORY OR
FIDUCIARY ROLE:**

The Borrower acknowledges and agrees that: (i) the transaction contemplated by this term sheet is an arm's length, commercial transaction between the Borrower and Wells Fargo Bank, N.A., in which Wells Fargo Bank, N.A. is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the Borrower; (ii) Wells Fargo Bank, N.A. has not assumed any advisory or fiduciary responsibility to the Borrower with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether Wells Fargo Bank, N.A. or its affiliates have provided other services to the Borrower on other matters); (iii) the only obligations Wells Fargo Bank, N.A. has to the Borrower with respect to the transaction contemplated hereby expressly are set forth in this term sheet; and (iv) the Borrower has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

**REPS AND
WARRANTIES:**

Usual and customary for this type of financing.

**TRANSFER
PROVISIONS:**

While the Bank is purchasing the Bonds for its own account without a current intention to transfer them, the Bank reserves the right in its sole discretion to assign, sell, pledge or participate interests in the Bonds without the consent of the Borrower.

EVENTS OF DEFAULT:

Usual and customary for transactions of this type.

CONFIDENTIALITY:

This Term Sheet is confidential and proprietary, and terms herein may not be disclosed without our prior written consent, except to your professional advisors in connection with this Financing who agree to be bound by such confidentiality requirements, or as may be required by law.

Notwithstanding anything herein to the contrary, any party hereto may disclose to any and all persons, without limitation of any kind the tax treatment or tax structure of this transaction. Furthermore, the parties to this transaction may disclose, as required by federal or state laws, any information as required to comply with such federal or state laws.

This expression of interest is not intended to be, and should not be construed as, a commitment to enter into a direct purchase of bonds, nor should it be construed as an attempt to establish all of the terms and conditions relating to such an accommodation. It is intended only to be indicative of certain terms and conditions around which credit approval may be sought, and if approved, how the operative documents might be structured, and not to preclude negotiations within the general scope of these terms and conditions. The execution versions of agreements containing final terms and conditions, if any, would be subject to approval by Borrower and Bank.

Best Regards,



Lynn Heislein
Vice President
Wells Fargo Bank, N.A.

Acknowledged and accepted as of _____:

By: _____

Name: _____

Title: _____

As these materials include information related to a bank-purchased bond transaction ("Direct Purchase"), please be advised that Direct Purchase is a product offering of Wells Fargo Bank, N.A. or a subsidiary thereof ("Purchaser") as purchaser / investor. Wells Fargo Securities will not participate in any manner in any Direct Purchase transaction between you and Purchaser, and Wells Fargo employees involved with a Direct Purchase transaction are not acting on behalf of or as representatives of Wells Fargo Securities. Information contained in this document regarding Direct Purchase is for discussion purposes only in anticipation of engaging in arm's length commercial transactions with you in which Purchaser would be acting solely as a principal to purchase securities from you or a conduit issuer, and not as a municipal advisor, financial advisor or fiduciary to you or any other person or entity regardless of whether Purchaser or an affiliate has or is currently acting as such on a separate transaction. Additionally, Purchaser, as purchaser / investor, has financial and other interests that differ from your interests. In its capacity as purchaser / investor, Purchaser's sole role would be to purchase securities from you (or the issuer in the case of a conduit transaction). Purchaser will not have any duty or liability to any person or entity in connection with the information provided herein. The information provided is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934.



date

DRAFT

Pat Foley, Vice President

Wells Fargo Bank, N.A.

Address

City, State, Zip

Storey County (the "applicant") proposes to sell an interim debenture bond in order to obtain interim financing for the construction of wastewater treatment plant improvements. The interim debenture bond, in the aggregate principal amount of \$3,000,200.00, is being issued pursuant to a certain Interim Debenture Ordinance adopted by the applicant on ____ (Date) ____, _____. On the same date the applicant adopted a bond ordinance pursuant to which it will issue bonds for permanent financing.

This letter is to confirm certain understandings on behalf of the USDA Rural Development.

Final plans and specifications have been prepared and approved, USDA RD authorized the applicant to go out to bid on March 11, 2014, (with an anticipated bid opening scheduled for April 11, 2014) or (the bids have been opened, evaluated and the bid has been awarded, with USDA RD concurrence.) It has been determined by the applicant and the USDA Rural Development that the conditions of a permanent loan closing can be met. Presently, USDA Rural Development has no reason to believe that such conditions will not be met.

Funds have been obligated for the project by the USDA Rural Development.

It is proposed by the applicant, with the approval of the USDA Rural Development, that the proceeds from the purchase of the Interim Debenture Bond will be used to provide for interest on the Interim Debenture Bond to maturity and to pay for construction and other authorized and legally eligible expenses incurred by the applicant upon presentation of proper statements or work estimates approved by the applicant, its authorized representatives, and authorized official of the USDA Rural Development.

Rural Development • Nevada State Office
1390 South Curry Street • Carson City, NV 89705
Voice 775.887.1222 • Fax 775.887.1287

USDA is an equal opportunity provider and employer.

We have scheduled disbursement of the permanent loan to the applicant for no later than May 1, 2015 in immediately available funds, so that funds will be available to pay the Interim Debenture Bond in full upon their maturity on ____ (Date) ____, _____. Upon meeting the loan conditions, at the permanent loan closing the USDA Rural Development will disburse the permanent loan by purchasing the applicant's Interim Debenture Bond issued pursuant to the Bond Resolution/Ordinance.

We appreciate your assistance to the applicant and look forward to working with you on this project.

Sincerely,

Cheryl Couch
Acting Community Programs Director

Cc: Hugh Gallagher, Storey County Comptroller – via email



United States Department of Agriculture

April 17, 2014

Marshall McBride, Chairman
Storey County Commissioners
P.O. Box 176
Virginia City, NV 89440

SUBJECT: Virginia City Wastewater Treatment Facility – Approval to Award Contract to Q & D Construction - \$4,346,950.00

Dear Mr. Mc Bride:

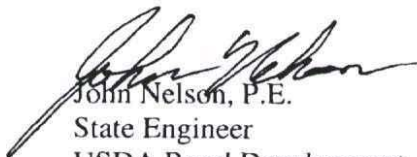
The USDA Rural Development has reviewed and concurs in Low Bid Award to Q & D Construction Inc. for the above referenced project in the amount of \$4,346,950.00.

The USDA Rural Development requests that the contract documents be prepared to include insurance requirements and all documents including technical specifications in one document. We will need five bound original sets. The contract documents must be completely signed including our agencies concurrence prior to the Pre-Construction Conference. We need several days to complete our review before we can sign the concurrence certificate.

Please find enclosed the Rural Development Project Budget/Cost Certification form once this form is completed with the Engineers and Applicants signatures return it to this Agency.

If you have any questions, please call me at 775-887-1222 ext. 112, or email me at john.nelson4@nv.usda.gov

Sincerely,


John Nelson, P.E.
State Engineer
USDA Rural Development

cc: Lucas Tipton, P.E., Farr West Engineering
Cheryl Couch, USDA RD

Rural Development • Nevada State Office
1390 S. Curry St. • Carson City, NV 89706
Voice (775) 887-1222 • Fax (775) 887-1287

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: May 6, 2015

Estimate of time required:

Agenda: Consent ☐ Regular agenda ☐ Public hearing required ☒

1. **Title: Per Storey County ordinance section 15.08.060 appeal the decision of the Building Official to pay a building permit fees based on assessed valuation of permanent equipment.** Ardagh Group Metal Packaging USA Inc., requesting relief from Storey County of the decision of the Storey County Building Official regarding the inclusion of the valuation of non-permanent process equipment and similar items in the calculation of the applicable building permit fees. This item is forwarded from the Storey County Planning Commission to the Storey County Commissioners per the appeal from Ardagh Group CFO John Boyas, business location is 900 Waltham Way McCarran Nevada.
2. **Recommended motion:** Dean Haymore Storey County Community Development Director and Building Official recommend denying appeal from Ardagh based on the determination that equipment in question is permanent.
3. **Prepared by:** Dean Haymore Director
Department: Storey County Community Development Department **Telephone:** 847-0966
4. **Staff summary:** Foundations as deep as eight to 10 feet with numerous Rebar mats are in place for a lot of this equipment to support the weight and loads. For the past 27 years I have treated all the companies in our industrial park the same way. This is the first company that has appealed and does not want to pay the building permit. This company was also told way before they started this project what those projected costs for permit fees would be on their equipment based on the valuation.
5. **Supporting materials:** Please see complete support documentation with code analysis and pictures of equipment.
6. **Fiscal impact: Loss of approximately \$373,000 of permit fees**
Funds Available: _____ Fund: _____ Comptroller
7. **Legal review required:**
_____ District Attorney
8. **Reviewed by:**
__X__ Department Head
_____ County Manager
Department Name: Commissioner's Office
Other agency review: _____
9. **Board action:**
☐ Approved
☐ Denied
☐ Approved with Modifications
☐ Continued

Agenda Item No.

Dean Haymore

From: Dean Haymore
Sent: Thursday, April 24, 2014 10:08 AM
To: Pat Whitten
Subject: FW: [1/3]Attached Image
Attachments: 3322_001.pdf; 3322_004.pdf; 3322_011.pdf; 3370_001.pdf

From: Dean Haymore
Sent: Tuesday, April 22, 2014 3:43 PM
To: Dean Haymore
Subject: FW: [1/3]Attached Image

From: Dean Haymore
Sent: Monday, April 14, 2014 3:06 PM
To: Austin Osborne
Cc: Pat Whitten; Dessie Redmond; Lyndi Renaud
Subject: FW: [1/3]Attached Image

Pat,

This is information you requested for the County Commissioners, for the Ardagh appeal to the Storey County Building Officials determination for building permit fees.

To give you a quick rundown and then I will provide supporting documentation for the hearing and your packet to the County commissioners.

On April 3, 2013 I received a phone call from Dave Simonsen a real estate agent out of Reno, and asked if I had time today to meet with a client of his. I said yes I would be happy to and that I was already out at the industrial park and that I could meet with them within the hour. At that time they showed up an hour later and he introduced me to Mark Casadevall, which at that time would not tell me the company name or too much about the company, but only they had to build a major manufacturing facility within one year and have it up in operation. At that time I explained to him how Teams Storey works and how we get things done and that we could meet their time frame on an existing building or even a new building. He explained to me that the day before they had nine of their company representatives touring northern Nevada and he had wished that he had met me sooner so I could talk to their whole team about our process and how we get things done.

Over the next several weeks I had probably 20 or more phone calls with Mark. Then he brought in a project team and we met on May 8, this is the first time I met John Vadjunec and several of their engineers for water sewer systems, air pollution control, manufacturing and we went over the permit process at that time and what would require a permit. Over the next month or two I had hundreds of phone calls e-mails and meetings with their company and engineers, contractors and subcontractors.

On August 22 at 8:30 a.m. Mark set up a meeting on inspections and permitting at United construction's office. At this time this was the first time I met Michael Bourne the new plant manager. At this meeting we went through all the required permitting inspections that were done and need to be taken place. We also talked and I gave them a printed out sheet of what the permits would cost for their permanent equipment for the valuation of \$62 million, which would be \$373,395.00. Mark then said just to charge it to the equipment providers and installers. I said okay but this is going to become a big problem and he said that he would just have them add a change order to their bids to Ardagh. Michael Bourne was there and also witnessed this conversation.

Then when the first company TANN corporation showed up with their equipment I asked them for their valuation, application and building permit. I did have to threaten to Red Tag them and issue a stop work order until they took care of this. About a week later they did pay there permit and I did allow them to continue installing the ducting on the roof. Then several more equipment operators started to show up with equipment and I had to warn them that I would issue a stop work order if they did not get the proper permits. At that time John Vadjunec got fully involved and we had several more meetings on the permit processing based on the permanent equipment valuation. In these meetings I gave him copies of the code that are highlighted that shows the valuation of permanent equipment is based for the calculation of the fees for the building permit. In the meantime they have hired a lawyer which contacted me and question me how I could charge the permit fees. I gave her the same building code fee determination for permanent equipment and she said she didn't care what I the building official rendered my interpretation was that she was going to give an interpretation what her client wanted. John then said that Ardagh would pay for the permits. Then he called me back a few days later and said it wasn't his decision but it was decided that they are going to appeal and protest the fees and valuations that I interpreted as permanent equipment and that they said that their equipment was not permanent. Over the project I have provided hundreds of hours in plan checking, and hundreds of hours doing building inspections, many at 1,4,5, a.m. in the morning and on Saturdays and most the days 2 to 4 inspections a day. I have corresponded and provided proof of the correspondence of over a thousand e-mails and hundreds of pages of plans and we had issued over 21 separate building permits. And I can say that I have spent hundreds of hours on the phone's corresponding with this company, subcontractors answering questions and directing them the proper way to get permits and business licenses. I even spent four hours on the phone with the state of Nevada Secretary of State to make it simple to get a one-page business license completed to comply with the state requirements for all of these out a country companies. This took the process from them setting up corporate companies in the United States bonding for those companies and I got them to be able to get a \$200 business license and only took one page to fill out instead of going through all the other requirements for the state. I also worked out in the beginning a situation that all of these out of country companies that were providing equipment and using their technicians to install their equipment that they would not have to get a state of Nevada contractor's license, which would take them a minimum of one year to acquire. I have gone out of my way to provide the upmost service for this company to meet their deadlines. There is no other place in United States or this world that they could do what they've done in the time frame that they have completed and starting testing their manufacturing lines.

My building permit fees are the lowest in the Western states, they are still based off in 1997 uniform building code fee schedule. The other thing I did is the first million dollars their fee is \$5608.75 and plan check is 65% of the building permit fee. Then after the first million dollars to fee schedule drops down to \$3650 per million. All the other permits that came over \$1 million a did not charge them for the first million but let the fee schedule he said at the \$3650 per million and check at 65% of the permit fee. The first time that Ardagh paid for the equipment permit fees I did cut the plan check to see by 50%, which save them over \$20,000. When I told Pat I did this I did get reprimanded for doing it without the approval of accounting manager or county commissioners. And I was instructed that I would never do that again.

I have been fair and honest with this company from day one and Team Storey has given them the best service that they will ever find in the construction trades.

I completely disagree with their appeal and request the County commissioners backed me up on this appeal and protest by Ardagh.

I have been the Storey County Building Official for 27 years and have never been appealed or protested by any contractor or company. I have treated other manufacturers in the county the same way, James Hardie, Pittsburgh paint, Alcoa aluminum, numerous power plants.

Pat asked Stacey to check all the surrounding building departments on how they calculate fees based on permanent equipment and they all base their fees the same way I do.

If you have any questions please give me a call or come into my office.

Dean Haymore, Director
STOREY COUNTY
COMMUNITY DEVELOPMENT
(775) 847-0966 c. (775) 742-8226

Storey County is an Equal Opportunity Provider.

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Please see section 108.3. Under Building permit valuations, the permit valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and PERMANENT SYSTEMS. Under the code and my determination anything that is in place longer than 30 days changes from temporary and becomes permanent which most of it has foundations that are some 6 to 8 feet deep with #6 rebar at 4 inches on center and 1" x 18" anchor bolts. See some of the attached drawings of a few equipment plans and foundations on this project. I will bring more pictures of the equipment and plans at the planning commission meeting. If you have any questions or would like to tour before the meeting let me know.

Dean Haymore, Director
STOREY COUNTY
COMMUNITY DEVELOPMENT
(775) 847-0966 c. (775) 742-8226

Storey County is an Equal Opportunity Provider.

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From: Community Development [<mailto:printers@storeycounty.org>]
Sent: Thursday, April 10, 2014 4:34 PM
To: Stacey Bucchianeri; Dean Haymore
Subject: [1/3]Attached Image

\$1,000,001.00 and Up

First \$1,000,000 @ \$5,608.75

Each Additional \$1,000 @ \$3.65

Valuation	Rate	TOTAL
\$62,000,000.00		
0	\$5,608.75	\$0.00
62000	\$3.65	\$226,300.00
Building Permit		\$226,300.00
Plan Review @ 65%		\$147,095.00

TOTAL \$373,395.00

Dean Haymore

From: Stacey Bucchianeri
Sent: Tuesday, April 22, 2014 12:31 PM
To: Pat Whitten
Cc: Dean Haymore
Subject: Equipment Valuation for Permitting

Pat:

I had to promise them all a cold, delicious beverage, but I did hear back from everyone:

Washoe County, Reno, Sparks, Fernley and Carson ALL include the cost of the equipment in the valuation from which to calculate permit fees.

Let me know if you need anything else . . . ☺

Stacey Bucchianeri

Community Development Department
110 East Toll Road ~ Gold Hill Divide
PO Box 526
Virginia City, NV 89440
775-847-0966 p 775-762-6206 c
775-847-0935 f



Ardagh Group



www.ardaghgroup.com

Ardagh Group
600 North Bell Avenue
Building 1, Suite 200
Carnegie PA 15106 USA

T +1 412 249 7115
F +1 412 774 2576

VIA CERTIFIED/RETURN RECEIPT #7011350000335162269

April 7, 2014

Vanessa Dufresne, Complaint Officer
Storey County Planning Commission
26 South "B" Street
Virginia City, NV 89440

RE: APPEAL TO PLANNING COMMISSION

Dear Ms. Dufresne:

Pursuant to Section 15.08.060 of the Storey County Code, Ardagh Metal Packaging USA Inc. is applying to the Planning Commission of Storey County for relief of the decision of the building official regarding the inclusion of the value of non-permanent process equipment and similar items in the calculation of the applicable building permit fee. The total building permit fee assessed by the building official is being remitted under protest pending the decision of the Planning Commission.

Very truly yours,

John G. Boyas
CFO

CERTIFIED MAIL™



7011 3500 0003 3516 2269

PITTSBURGH
PA 150
10 APR '14
PM 11



US POSTAGE
\$ 06.48
First-Class

Mailed From 15106
04/10/2014
032A 0061800947

ArdaghGroup

600 North Bell Avenue
Building 1
Suite 200
Carnegie, PA 15106 USA

3

Vanessa Dufresne, Complaint Officer
Storey County Planning Commission
26 South "B" Street
Virginia City, NV 89440

4-12

Ardagh Metal Packaging USA Inc.

CARNEGIE OFFICE PARK
600 NORTH BELL AVENUE
SUITE 200
CARNEGIE, PA 15106

ArdaghGroup



Tel: 412-429-5290

Fax: 412-429-5296

STOREY COUNTY
26 N. B STREET
P.O. BOX 176
VIRGINIA CITY, NV 89440
UNITED STATES

DATE **04/10/14**SUPPLIER CODE: **55924**

Voucher	Invoice	Gross Amount	Discount	Net Amount
372761	40414 040414	95,839.86	0.00	95,839.86
		95,839.86	0.00	95,839.86

Check Total

\$95,839.86

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**ArdaghGroup****Ardagh Metal Packaging USA Inc.**

CARNEGIE OFFICE PARK
600 NORTH BELL AVENUE
SUITE 200
CARNEGIE, PA 15106

PNCBANK
PNC BANK, N.A.
PITTSBURGH, PA
8-9/430

Check No.: **131876**

Date: 04/10/14

AMOUNT: *******95,839.86**

PAY

NINETY FIVE THOUSAND EIGHT HUNDRED THIRTY NINE DOLLARS AND 86 CENTSTO THE
ORDER
OF

STOREY COUNTY
26 N. B STREET
P.O. BOX 176
VIRGINIA CITY, NV 89440
UNITED STATES



[Signature]
James W. Willich

VOID AFTER 90 DAYS



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



⑈ 131876 ⑈ ⑆043000096⑆ 1019836515⑈

SCBD Control #:	Storey County Building Dept. P O Box 526 Virginia City NV 89440	Received Date / Time
-----------------	---	-------------------------

<input type="checkbox"/> Residential	PERMIT APPLICATION	<input checked="" type="checkbox"/> Comm/Indr
---	---------------------------	--

WORK DESCRIPTION: Installation of robotic can palletizing and packaging system			
WORK LOCATION ADDRESS: 900 Waltham Way, McCarran NV			AREA:
LOT(S):	APN(S):	ZONING:	SETBACKS:
OCCUPANCY:	CONSTRUCTION TYPE:	FLOOD ZONE:	SQ FT:

RECEIVED by BUILDING DEPT:	Grading Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	Topographic Underlay: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fire & Life Safety APP: <input type="checkbox"/> Yes <input type="checkbox"/> No	Owner/Builder Signature Forms <input type="checkbox"/> Yes <input type="checkbox"/> No
Sewer/Water Will Serve: <input type="checkbox"/> Yes <input type="checkbox"/> No		Architectural Approval Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		

A Nevada Licensed CONTRACTOR and SWPP Report is Required for ALL Commercial and/or Industrial Projects

CONTRACTOR: Fleetwood Goldco Wyard	PHONE: 630-759-6800
ADDRESS: 1305 Lakeview Dr	NV LIC #: NV20131553075
City ST Zip: Romeoville, IL 60446	SC LIC #:
24-hr JOB Contact: Landen Stoker	Cell: 434-390-6695
CONTRACTOR:	PHONE:
ADDRESS:	NV LIC #:
City ST Zip:	SC LIC #:
24-hr JOB Contact:	Cell:
CONTRACTOR:	PHONE:
ADDRESS: 10676.25	NV LIC #:
City ST Zip: 110425	SC LIC #:
24-hr JOB Contact: 2110425	Cell:

If applying as Owner/Builder – MUST Complete "Owner Builder Affidavit of Exemption" per NRS 624.031(4)

OWNER / Permittee (Print):	PHONE:
ADDRESS (Mailing):	CELL:
OWNER Signature:	Authorized Signature BUILDER / AGENT:

Comments: Equipment, material and labor to install can robot palletizing and packaging system.

TOTAL VALUATION: \$ 4,500,000			<input type="checkbox"/> Est. Cost	<input checked="" type="checkbox"/> Actual Contract
PLAN REVIEW: \$	CHECK #:	RECEIPT #:		

Note: **PLAN CHECK FEE:** (Based on initial valuation) SHALL BE PAID AT TIME OF PLAN SUBMITTAL. Adjustment, if any, will be made during the 'Permit' Valuation.
PERMIT FEE(s): PAID PRIOR TO 'PERMIT' ISSUANCE.

Application Completed by: John Vadjunec Date: 27FEB14

SCBD Control #:	Storey County Building Dept. P O Box 526 Virginia City NV 89440	Received Date / Time
-----------------	---	-------------------------

<input type="checkbox"/> Residential	PERMIT APPLICATION	<input checked="" type="checkbox"/> Comm/Indr
---	---------------------------	--

WORK DESCRIPTION: Installation of three piece can welding line for 603, 401 and 202 diameter			
WORK LOCATION ADDRESS: 900 Waltham Way, McCarran NV			AREA:
LOT(S):	APN(S):	ZONING:	SETBACKS:
OCCUPANCY:	CONSTRUCTION TYPE:	FLOOD ZONE:	SQ FT:

RECEIVED by BUILDING DEPT:	Grading Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	Topographic Underlay: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fire & Life Safety APP: <input type="checkbox"/> Yes <input type="checkbox"/> No	Owner/Builder Signature Forms <input type="checkbox"/> Yes <input type="checkbox"/> No
Sewer/Water Will Serve: <input type="checkbox"/> Yes <input type="checkbox"/> No		Architectural Approval Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		

A Nevada Licensed CONTRACTOR and SWPP Report is Required for ALL Commercial and/or Industrial Projects

CONTRACTOR: Soudronic, Ltd	PHONE: 914-481-4808
ADDRESS: 465 North State Rd.	NV LIC #:
City ST Zip: Briarcliff Manor, NY 10510	SC LIC #:
24-hr JOB Contact: Hans Frick	Cell:
CONTRACTOR:	PHONE:
ADDRESS:	NV LIC #:
City ST Zip:	SC LIC #:
24-hr JOB Contact:	Cell:
CONTRACTOR: 23,175, 20	PHONE:
ADDRESS: 35,654.16	NV LIC #:
City ST Zip: 58,829.34	SC LIC #:
24-hr JOB Contact:	Cell:

If applying as Owner/Builder – MUST Complete "Owner Builder Affidavit of Exemption" per NRS 624.031(4)

OWNER / Permittee (Print):	PHONE:
ADDRESS (Mailing):	CELL:
OWNER Signature:	
Authorized Signature BUILDER / AGENT:	

Comments: Equipment, material and labor to install three piece welded can lines for 603, 401 and 202 diameter cans.

TOTAL VALUATION: \$ 9,768,262.50			<input type="checkbox"/> Est. Cost	<input checked="" type="checkbox"/> Actual Contract
PLAN REVIEW: \$	CHECK #:	RECEIPT #:		

Note: PLAN CHECK FEE: (Based on initial valuation) SHALL BE PAID AT TIME OF PLAN SUBMITTAL. Adjustment, if any, will be made during the 'Permit' Valuation.
PERMIT FEE(s): PAID PRIOR TO 'PERMIT' ISSUANCE.

Application Completed by: John Vadjunec Date: 27FEB14

SCBD Control #:	Storey County Building Dept. P O Box 526 Virginia City NV 89440	Received Date / Time
-----------------	---	-------------------------

<input type="checkbox"/> Residential	PERMIT APPLICATION	<input checked="" type="checkbox"/> Comm/Indr
---	---------------------------	--

WORK DESCRIPTION: Installation of sheet fed press system for 603 & 202 diameter ends (Change over press)

WORK LOCATION ADDRESS: 900 Waltham Way, McCarran NV		AREA:	
LOT(S):	APN(S):	ZONING:	SETBACKS:
OCCUPANCY:	CONSTRUCTION TYPE:	FLOOD ZONE:	SQ FT:

RECEIVED by BUILDING DEPT:	Grading Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	Topographic Underlay: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fire & Life Safety APP: <input type="checkbox"/> Yes <input type="checkbox"/> No	Owner/Builder Signature Forms <input type="checkbox"/> Yes <input type="checkbox"/> No
Sewer/Water Will Serve: <input type="checkbox"/> Yes <input type="checkbox"/> No		Architectural Approval Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		

A Nevada Licensed CONTRACTOR and SWPP Report is Required for ALL Commercial and/or Industrial Projects

CONTRACTOR: Alphons Haar, Inc.	PHONE: 937-560-2031
ADDRESS: 150 Advanced Dr.	NV LIC #: NV20131644218
City ST Zip: Springboro, OH 45066	SC LIC #:
24-hr JOB Contact: John Dunn	Cell: 937-560-2033
CONTRACTOR:	PHONE:
ADDRESS:	NV LIC #:
City ST Zip:	SC LIC #:
24-hr JOB Contact:	Cell:
CONTRACTOR: 3903.65	PHONE:
ADDRESS: 6005.61	NV LIC #:
City ST Zip: \$9909.26	SC LIC #:
24-hr JOB Contact:	Cell:

If applying as Owner/Builder – MUST Complete "Owner Builder Affidavit of Exemption" per NRS 624.031(4)

OWNER / Permittee (Print):	PHONE:
ADDRESS (Mailing):	CELL:
OWNER Signature:	Authorized Signature BUILDER / AGENT:

Comments: Equipment, material and labor to install sheet fed press system for 603 and 202 diameter ends.
--

TOTAL VALUATION: \$ 1,645,372			<input type="checkbox"/> Est. Cost	<input checked="" type="checkbox"/> Actual Contract
PLAN REVIEW: \$	CHECK #:	RECEIPT #:		

Note: **PLAN CHECK FEE:** (Based on initial valuation) SHALL BE PAID AT TIME OF PLAN SUBMITTAL. Adjustment, if any, will be made during the 'Permit' Valuation.
PERMIT FEE(s): PAID PRIOR TO 'PERMIT' ISSUANCE.

Application Completed by: John Vadjunec Date: 27FEB14

\$1,000,001.00 and Up First \$1,000,000 @ \$5,608.75 Each Additional \$1,000 @ \$3.65		
Valuation	Rate	TOTAL
\$15,913,634.50		
0	\$5,608.75	\$0.00
15913.6345	\$3.65	\$58,084.77
Building Permit		\$58,084.77
Plan Review @ 65%		\$37,755.10
TOTAL		\$95,839.86



Ardagh Group
600 North Bell Avenue
Building 1, Suite 200
Carnegie PA 15106 USA

T: +1 412 429 5290
F: +1 412 429 5296

January 24, 2014

Vanessa Dufresne
Complaint Officer
Storey County Planning Commission
26 South B Street
Virginia City NV 89440

RE: APPEAL TO PLANNING COMMISSION

Dear Ms. Dufresne:

Pursuant to Section 15.08.060 of the Storey County Code, Ardagh Metal Packaging USA Inc. is applying to the Planning Commission of Storey County for relief of the decision of the building official regarding the inclusion of the value of non-permanent process equipment and similar items in the calculation of the applicable building permit fee. The total building permit fee assessed by the building official is being remitted under protest pending the decision of the Planning Commission.

Very truly yours,


John G. Boyas
CFO

Enc.

Ardagh Fees Billed / Collected

<u>Permit #</u>	<u>Description</u>	<u>Contractor</u>	<u>Plan Rev</u>	<u>E / M / P</u>	<u>Permit Fee</u>	<u>Total</u>	<u>Stated Valuation</u>
9128	T.I.	United Const.	\$ 11,583.24	\$ 473.25	\$ 17,820.37	29,876.86	\$ 4,345,650.00
9128-01	Remodel/Platform	United/Sparhawk				8,431.50	1,400,000.00 *
9128-02	Thermal Oxidizer	United / Tann Corp				8,142.42	1,352,000.00 *
9128-03	Alter Offices	United / RHP & Jensen				2,458.99	300,000.00 *
9128-04	Scrap Removal System	United / Ohio Blow Pipe	\$ 2,614.38		\$ 4,022.12	6,636.50	1,101,950.00 *
9128-05	Tank Farm	United / RHP	\$ 6,160.53		\$ 9,477.75	15,638.28	2,060,000.00
9128-06	Electrical	United / Jensen	\$ 1,918.18		\$ 2,951.06	4,869.24	449,525.00
9128-07	Equipment	United / Stolle				39,785.72	8,226,564.00 *
9128-08	Conveyors	United / Canline				21,532.91	4,452,396.00 *
9128-09	Boiler Equipment	United / Western Ind.				6,032.67	1,247,384.00 *
9128-10	Install Ovens	United / HeatTek				5,863.23	1,212,350.00 *
9128-11	Vacuum Testers	United / CORIMA				3,862.43	798,640.00 *
9128-12	Trimmers	United / Western Ind.				4,316.88	892,608.00 *
9128-13	Electrical	Jensen	\$ 1,269.61		\$ 1,953.25	3,222.86	271,347.00
9128-14	Electrical	Jensen	\$ 361.44		\$ 556.07	917.51	41,274.00
9128-15	Electrical	Performance Elect	\$ 407.27		\$ 626.57	1,033.84	48,250.00
9128-16	Cyclopse	United / Applied Vision	\$ 1,344.30		\$ 2,068.16	3,412.46	291,869.00
9128-17	RHP	Water Treatment	\$ 527.63		\$ 811.75	1,339.38	74,000.00
9128-18	Office Alterations	United Const.	\$ 214.90		\$ 330.63	545.53	20,670.60
9128-19	Install Press System	United / Alfons Haar				9,909.25	1,645,372.00 *
9128-20	Install Can Palletizer	United / Fleetwood				27,101.25	4,500,000.00 *
9128-21	Install Welding Line	United / Soudronic				58,829.36	9,768,262.00 *

Totals

\$ 263,759.07 \$ 44,500,111.60

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

SECTION 103 DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the *International Property Maintenance Code*.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to re-

port upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall

be recorded and entered in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authori-

zation for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system re-

without assurance that a permit for the entire structure will be granted.

106.3.4 Design professional in responsible charge.

106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of

completion of the permitted work, or as required by state or local laws.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC *Electrical Code*.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the

permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before

any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

109.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. For special inspections, see Section 1704.

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

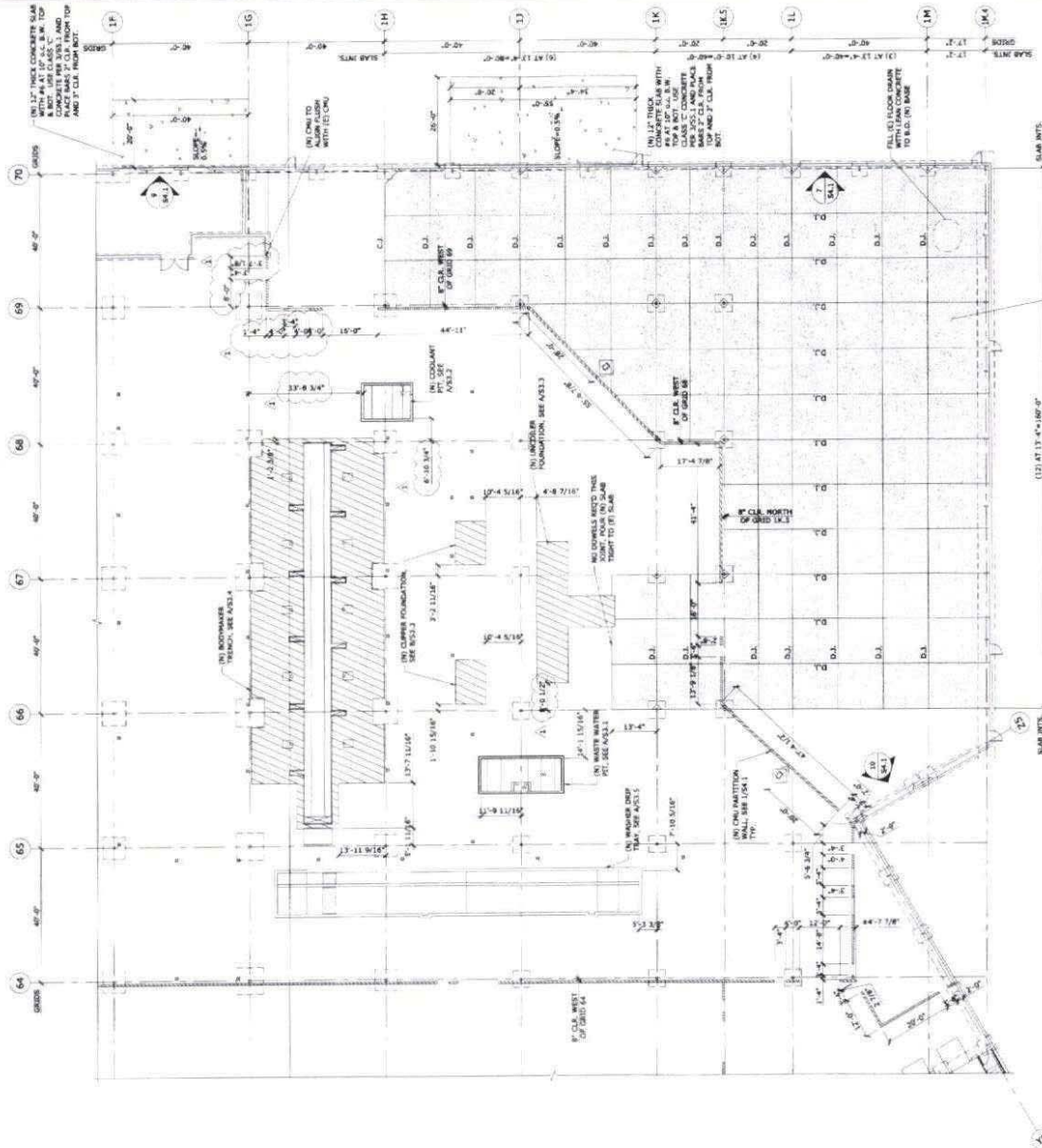
109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 110 CERTIFICATE OF OCCUPANCY

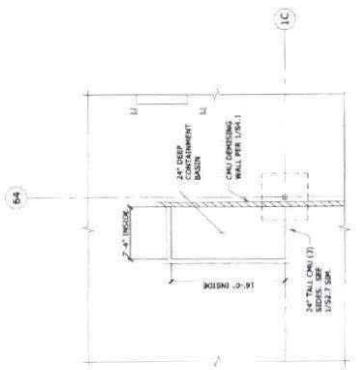
110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provi-

NOTE: GC SHALL VERIFY ALL DIMENSIONS SHOWN WITH OWNER PRIOR TO CONSTRUCTION.



FOUNDATION LEGEND	
DI	CONCRETE SLAB JOINT PER SCS 1
CI	CONSTRUCTION JOINT PER SCS 1
□	CNU CONTROL JOINT PER SCS 1



B COMPOUND TANK CONTAINMENT
SCALE: 1/8" = 1'-0"

A ENLARGED FOUNDATION PLAN
SCALE: 1/16" = 1'-0"

unitedconstruction
NV Lic. No. 0015417
CA Lic. No. 0015439

TECHNICS DESIGN GROUP
3500 LAS VEGAS BLVD
SUITE 200
LAS VEGAS, NV 89121
702.735.1000

ARDAGH REMODEL PHASE I
900 WALTHAM WAY
MCCARRAN, NEVADA
CHECKED/STAMPED BY:



REVISION		DATE		DESCRIPTION	
NO.	DATE	NO.	DATE	NO.	DATE
1	12/15/18	1	12/15/18	1	12/15/18
1. 12/15/18		1. 12/15/18		1. 12/15/18	
1. 12/15/18		1. 12/15/18		1. 12/15/18	

ENLARGED FOUNDATION PLAN & DETAILS	
DATE	PROJECT NO.
12/15/18	1311A
DRAWN BY	CHECKED BY
NJO	JOT
SCALE	AS NOTED
SHEET NO.	S2.4

FOOTING LEGEND	
	SHADE INDICATES FOOTING EXTENSION AT (E) FOOTING, SEE W353.1
	HATCH INDICATES (N) FOOTING POURED OVER (E) FOOTING

ARDAGH REMODEL
PHASE I
900 WALTHAM WAY
MCARRAN, NEVADA

DESIGN GROUP

5300 Main Street
Reno, Nevada 89502
775-856-5375 NV
CA Lic. No. 00154117

unitedconstruction

CHECKED/STAMPED BY: [Stamp]

DATE: 12/23/13

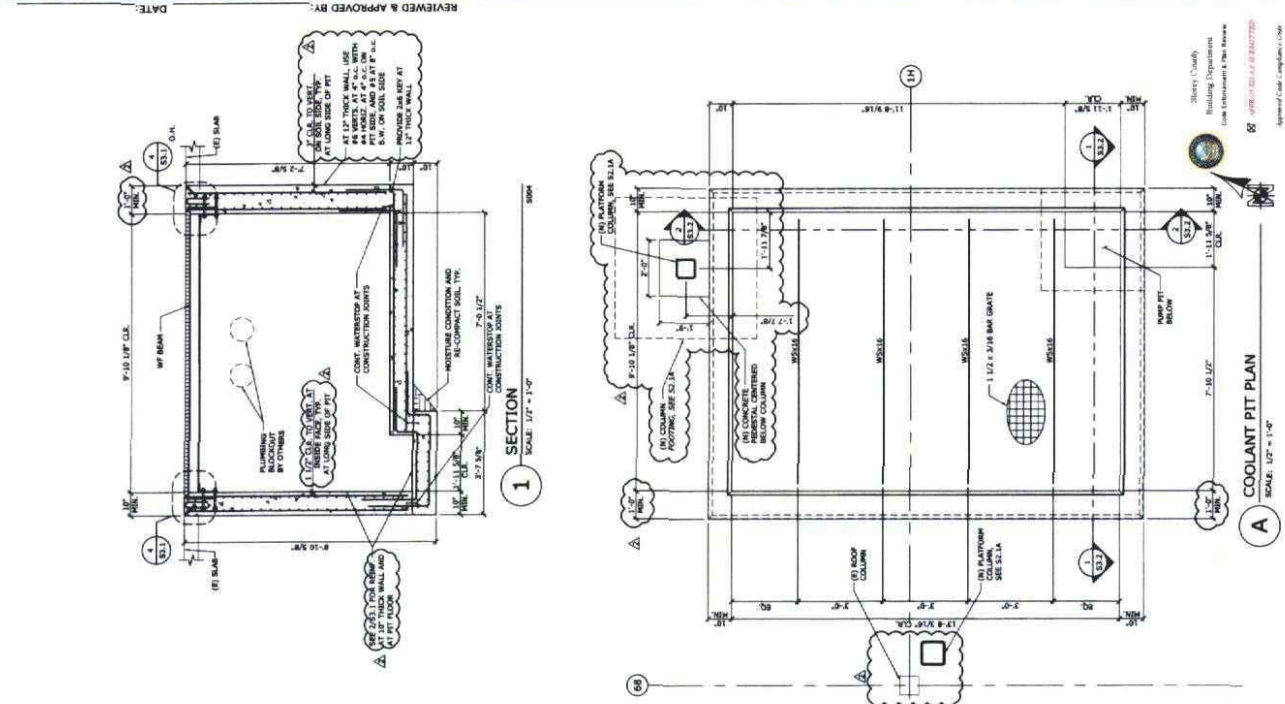
PROJECT NO. 13134

DRAWN BY: [Stamp]

CHECKED BY: [Stamp]

SCALE: AS NOTED

SHEET NO. S3.2



NOTE: ALL EXPOSED STEEL THIS SHEET SHALL BE GALVANIZED

Partly Blakely
c=Patty Blakely
a=Storey County
Fire Department
ou,
email=pb@blakelys
storeycounty.org
c=US
2013.10.23
09:33:10-47'00



LOCATION	SPARKS, NEVADA		
UNITS DESCRIPTION	ELEVATION		
CONTRACTOR: OHIO BLOW PIPE COMPANY			
DRIVEN BY	DATE TEST BY	PIPE NO.	DRILLING NO.
LUN	NEL	203V	E2

Shively County
 Building Department
 1000 S. Main Street, Suite 100
 Shively, KY 40381
 502-453-1234

FOR THE DIRECTOR OF THE NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES, 100 W. 42ND ST., 10TH FL., NEW YORK, NY 10018-5598. TEL: (212) 312-1234. FAX: (212) 312-1235. E-MAIL: info@nycdss.org