



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

9/18/2018 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AMENDED AGENDA

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JACK MCGUFFEY
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted 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. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. 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.

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

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **DISCUSSION/POSSIBLE ACTION:**

Approval of the agenda for September 18, 2018.

4. **DISCUSSION/POSSIBLE ACTION:**

Approval of the minutes for August 7, 2018.

5. **DISCUSSION/POSSIBLE ACTION:**

Approval of the minutes of August 21, 2018.

6. **CONSENT AGENDA**

- I For possible action, approval of business license first readings:
 - A. COLEMAN ELECTRICAL CO / Contractor - 2665 Billys Rd ~ Minden, NV
 - B. NW HOLDING & RECOVERY, LLC / General - 4900 Meadows Rd ~ Lake Oswego, OR
 - C. GLOBAL RISK CONSULTANTS CORP / General - 100 Walnut Ave ~ Clark, NJ
 - D. SAVANAH LEE, DBA: ACCESS TRANSFORMATION / MT - 4255 Wedekind Rd ~ Sparks, NV
 - E. MEN WIELDING FIRE INC / General - 1485 W. 4th St. ~ Reno, NV
 - F. ZUNESIS INC / General - 8375 S. Willow St ~ Lonetree, Co
 - G. LARSON DESIGN GROUP, INC / General - 1000 Commerce Park Dr ~ Williamsport, PA
- II For possible action, approval of payroll claims in the amount of \$566,375.43 and accounts payable claims in the amount of \$278,382.93.
- III For possible action, consideration and possible approval of resolution no. 18-499 granting Historic Fourth Ward School Foundation \$120,000.00 for the purpose of preserving the Fourth Ward School Building and promoting the history of the Comstock and Storey County history.
- IV For possible action, consideration and possible approval of resolution no. 18-500 granting Community Chest, Inc \$234,492.00 for the purpose of funding health and human services programs.
- V For possible action, consideration and possible approval of resolution no. 18-504 granting Liberty Engine Company No. 1 Inc. the sum of \$10,000.00 for the pupose of preserving the Comstock Fireman's Museum and its historic contents.
- VI For possible action, consideration and possible approval of resolution no. 18-505 granting the Mark Twain Community Center the sum of \$25,000.00 for the purpose of preserving the Mark Twain Community Center for the community outreach and improvement.
- VII For possible action, consideration and possible approval of resolution no. 18-506 granting the Nevada Rural Counties RSVP Program Inc. the sum of \$7,050.00 for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers.

VIII For possible action, consideration and possible approval of resolution no. 18-507 granting the Storey County Senior Citizens Center the of sum of \$135,000.00 for the purpose of maintaining the Storey County Senior Center and for providing programs and services to seniors to promote independent and healthy lifestyles.

IX For possible action, consideration and possible approval of resolution no. 18-508 granting the St. Mary's Art Center, a non-profit entity, the sum of \$60,000.00 for the purpose of preserving the St. Mary's Art Center, a county-owned building and supporting arts and culture through education and cultural offerings.

7. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

8. **BOARD COMMENT (No Action - No Public Comment)**

9. **DISCUSSION ONLY:**

Candace Wheeler with the Comstock Cemetery Foundation – Update on Cemetery Projects and other matters properly related.

10. **DISCUSSION ONLY (No Action):**

Representatives from Fourth Ward School, St. Mary's Art Center, Community Chest, and the Storey County Senior Center provide an update on planning and marketing efforts on behalf of Storey County nonprofits.

11. **DISCUSSION ONLY (No Action):**

Honorable United States Congressman Mark Amodei discussing updates on federal Matters of interest in general and specific to Storey County.

12. **DISCUSSION/POSSIBLE ACTION:**

Consideration and possible approval of resolution 18-512 approving the form of the financing agreement among the County, TRI General Improvement District and all owners of assessable property in Storey County Special Assessment District No. 01 (Tahoe-Reno Industrial Center).

13. **DISCUSSION/POSSIBLE ACTION:**

Consideration and possible approval of agreement between Storey County and TRI Center LLC (TRI) by which should County have to utilize the uncommitted portion of its general fund to make payments on the bond secured by the Storey County Special Assessment District No. 01 (SAD) TRI agrees that the amounts so provided will be credited against the vouchers issued by County to reimburse TRI for the costs of providing public infrastructure at the rate of 1.5 to 1. .

14. DISCUSSION/POSSIBLE ACTION:

Discussion and possible action on second reading of ordinance 18-289 creating Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center); ordering a water project, within Storey County, Nevada.

15. DISCUSSION/POSSIBLE ACTION:

Discussion and possible action on second reading of ordinance 18-290 concerning Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) and assessing the cost of local improvements against the assessable property benefited by the local improvements.

16. DISCUSSION ONLY (No Action):

Carson Water Subconservancy District (CWSD) Director Ed James to provide input and receive comments from the Board of Storey County Commissioners regarding CWSD submitting an amicus brief opposing the use of the public trust doctrine to be applied to water rights already adjudicated and settled under the doctrine of prior appropriation.

17. DISCUSSION/POSSIBLE ACTION:

A presentation of a Flood Insurance Assessment for Storey County. The base information has been provided by FEMA to give an overview of the flood insurance coverage present in the County. This presentation is a part of the information prepared by Storey County for the Community Rating System (CRS) audit conducted by FEMA.

18. DISCUSSION/POSSIBLE ACTION:

Action on Bill No. 102, first reading of Ordinance No. 18-293, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

19. RECESS TO CONVENE AS THE 474 FIRE PROTECTION DISTRICT BOARD

20. DISCUSSION/POSSIBLE ACTION:

Action on Bill No. 103, first reading of Ordinance No. 18-294, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Fire Code,

the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

21. ADJOURN TO RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

22. DISCUSSION/POSSIBLE ACTION:

Consideration and possible approval of interlocal agreement with NDOT regarding maintenance and repairs of traffic signal at Electric Avenue and State Route 439.

23. DISCUSSION/POSSIBLE ACTION:

Board of County Commissioners (board) to appoint two members of the board to serve on the Storey County Regional Transportation Commission (RTC) in accordance with Storey County Codes 2.44 and 3.80. The term will be until December 31 of the next even numbered year, that being 2020.

24. DISCUSSION/POSSIBLE ACTION:

Road Abandonment Request 2018-032, a request to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

25. DISCUSSION/POSSIBLE ACTION:

Approval of business licenses second readings:

- A. CHEEK CONSTRUCTION, LLC / Contactor - 3303 Reno Hwy ~ Fallon, NV
- B. LASCO PROCESS SYSTEMS, LLC / Contractor - 18601 LBJ Fwy ~ Mesquite, YX
- C. MCA MECHANICAL, INC / Contractor - 2190 Fish Springs Rd ~ Gardnerville, NV
- D. MOBILE TRUCK WASH LLC / General - 75 Bank St #8 ~ Sparks, NV
- E. FTM CORPORATION / Contractor - 460 N. Geneva Rd ~ Lindon, UT
- F. VERDI ENERGY INC / General - 2104 Lytham Ct ~ Wilmington, NC
- G. ROTO-ROOTER / Contractor - 200 B Coney Island Dr ~ Sparks, NV
- H. KINETIC SAFETY LLC, DBA: 3M SAFETY TRAINING / General - 3M Center Bldg. ~ St Paul, MN

26. PUBLIC COMMENT (No Action)

27. 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.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

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.

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 9/11/2018; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By _____
Sarah Burnet Deputy Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 18 Estimate of Time Required: 0-5 min.
Agenda Item Type: Regular Agenda

1. **Title:** Approval of the minutes for August 7, 2018.

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

3. **Prepared by:** Vanessa Stephens

Department: Clerk

Contact Number: 775.847.0969

4. **Staff Summary:** Attached.

5. **Supporting Materials:** See attached

6. **Fiscal Impact:** 0

7. **Legal review required:** No

8. **Reviewed by:**

VP Department Head

Department Name: Clerk

____ County Manager

Other Agency Review: _____

9. **Board Action:**

<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Modification
<input type="checkbox"/> Denied	<input type="checkbox"/> Continued



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, AUGUST 7, 2018 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JACK MC GUFFEY
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

ROLL CALL: Chairman McBride, Vice-Chairman McGuffey, County Manager Pat Whitten, Clerk & Treasurer Vanessa Stephens, Comptroller Hugh Gallagher, District Attorney Anne Langer, Sheriff Gerald Antinoro, Fire Chief Jeff Nevin, Planning Director/Administrative Officer Austin Osborne, Deputy District Attorney Keith Loomis, Sewer Project Coordinator Mike Nevin, IT Director James Deane, Fire Marshal Martin Azevedo, Project Manager Mike Northan, Director of Tourism Deny Dotson, Building Inspector Pete Renaud, Planner Kathy Canfield.
Absent: Commissioner Gilman

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.

Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

Chairman McBride led those present in the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for August 7, 2018.

Public Comment:

None

Motion: Approve Agenda for August 7, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

4. DISCUSSION/POSSIBLE ACTION: Approval of the minutes for June 19, 2018.

Public Comment:

None

Motion: Approve minutes for June 19, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (Summary: Yes=2)

5. DISCUSSION/POSSIBLE ACTION: Approval of the minutes for July 3, 2018.

Public Comment:

None

Motion: Approve minutes for July 3, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (Summary: Yes=2)

6. CONSENT AGENDA:

- I For possible action, approval of Justice Court Quarterly Report.
- II For possible action, Approval of payroll claims in the amount of \$1,675,947.76 and accounts payable claims in the amount of \$3,055,760.83.
- III For possible action, approval of Assessor's Recommended Corrections to 2018-19 Secured Tax Roll for Exemptions.
- IV For possible action, review and possibly appoint Samuel K. Ward Real Estate Appraisers & Consultants to appraise four properties located in the vicinity of the Virginia City Fairgrounds area.
- V For possible action, approval of business license first readings:
 - A. INTEGRATED MANUFACTURING & SUPPLY - Contractor / 620 Orvis Ave ~ San Jose, CA
 - B. AKAZAWA MACHINE CO., LTD - General / 2-10-6 Tohgo Dohri ~ Osaka, JP
 - C. EVOQUA WATER TECHNOLOGIES, LLC - General / 210 Sixth Ave ~ Pittsburgh, PA
 - D. PETERSEN DEAN INC - Contractor / 39300 Civic Center Dr ~ Fremont, CA
 - E. DANIEL W. PHETTEPLACE, DBA: THE ELECTRICIAN - Contractor / 1275 Kleppe ~ Sparks, NV
 - F. GAEA GLOBAL TECHNOLOGIES, INC - General / 317 Whitcliff Ct ~ San Ramon, CA
 - G. ASPEN DEVELOPERS CORP - Contractor / 2340 E. 5th St ~ Reno, NV
 - H. CUMMINS INC - General / 390 Intercrescent St ~ Broomfield, Co
 - I. AEGIS ENGINEERING AND MNGMNT GROUP - General / 18601 LBJ Fwy ~ Mesquite, TX
 - J. NORMAN S. WRIGHT MECH,EQUIP - Contractor / 99A South Hill Dr ~ Brisbane, CA
 - K. BERIAH VETTER, DBA: VETTER WERKS - Home / 131 Elizabeth Ln ~ Dayton, NV
 - L. FUKAMI MANUFACTURING CO - General / 1121-1 Yamada ~ Gifu, JP
 - M. FARR WEST ENGINEERING - General / 5510 Longley Lane ~ Reno, NV

N. ZION BUILDERS INC - Contractor / 1170 Marietta Way ~ Sparks, NV
 O. JOLT ELECTRIC LLC - Contractor / 152 Pebble Dr ~ Dayton, NV
 P. USA SCALES, INC - General / 5401 Byron Hot Springs Rd ~ Byron, CA
 Q. SUPERIOR TANK CO - Contractor / 9500 Lucas Ranch Rd ~ Bakersfield, CA
 R. STEVEN GREEN - Home / 5438 Comstock Rd ~ Placerville, CA
 S. MAYA'S SOUTH INDIAN CUISINE - General / 9655 Frankwood Dr ~ Reno, NV
 T. AMIAD USA, INC - General / 120 Talbot Road ~ Mooresville, NC
 U. AI SYSTEMS CO.,LTD - General / 11-18 Motomachi ~ Osaka, JP
 V. WTR ELECTRIC INC - Contractor / 6005 Hockberry ~ Reno, NV
 W. COMINIX U.S.A. INC - General / 990 Hammond Dr ~ Atlanta, GA
 X. HOLDIAY ENTERPRISES - Home / 2331 Empire Rd ~ Reno, NV
 Y. WELSCO DRILLING CORP - Contractor / 2510 Beasley Dr ~ Fallon, NV
 Z. POGGEMEYER DESIGN GROUP INC - General / 6960 Smoke Ranch Rd ~ Las Vegas, NV

Public Comment:

None

Motion: Approve Consent Agenda for August 7, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

7. DISCUSSION ONLY (No Action-No Public Comment): Committee/Staff Reports

Sheriff Antinoro:

- Reported that the children of a deputy were in a serious auto accident. They are making progress and should be home soon.
- Tonight is National Night Out at Louise Peri Park.

St. Mary's Art Center Executive Director A. Perry:

- A family art retreat will be held August 18th - a new event to bring families together to create artwork.
- The new security system has been installed at St. Mary's. Thank you to County IT staff and others who came together to assist in the installation.
- Phase I of the restoration project is ready to begin - part of a SHIPO grant. This will cover some floor restoration on the fourth floor and porch renovation on the west elevation. Thank you to Cherie Nevin and Jim Collins for making this happen.

Project Manager Mike Northan:

- Judge's chambers are 99% complete.
- Work on the courtroom wall has been scheduled for August 27th.
- Flooring has been installed at Station 72.
- Justice Center site plan and elevations will be on the Comstock Historic District August 13th agenda.

VCTC Director Deny Dotson:

- Hot August Nights was very successful this last weekend. There will be a poker run on Thursday.
- The Cemetery Gin hearse will be parked at the Grand Sierra main stage for the Hot August Nights event.
- The rodeo will be held August 18 and 19, with a long-horn cattle drive down C Street on the 18th.
- The VCTC website is currently being populated over and should be live by this afternoon.

Building Inspector Pete Renaud:

- A “dashboard” document has been created to track monthly jobs done by Community Development and is on the website.
- The staff is continuing education and certifications, as well as cross-training fire and building inspectors. FEMA preparation courses will be taken in October.

Fire Chief Jeff Nevin:

- There were three lightning-caused fires this last month. All were under three acres.
- Engines and equipment have been sent out to most of the major fires in Nevada and California. Currently there is an engine on the Carr fire.
- Two Battalion Chief positions have been filled.

Wastewater Project Manager Mike Nevin:

- As of August 13 – 51,750 linear feet have been installed. Work continues on Mill Street at the intersection of E Street. Work will continue on the Divide if there are contingent funds available.
- Five Mile Water Transmission line: dates are finally correct- bond and start dates. 90 contract days have had to be added due to delay in delivery of pipe from a “made in U.S.” company in Texas.
- Gold Hill septic project: Modeling documents have been submitted to NDEP as part of the procedure. We are confident that installation of a small package plant is the right thing for that section of Gold Hill and to take care of the issues with the on-sight disposal system.

Planning Director/HR, Austin Osborne:

- Mr. Osborne read a letter from County’s lobbyist, the Porter Group, updating the status of the Lands Bill. The outlook of legislation remains positive.

County Manager, Pat Whitten:

- There will be an open house in the Courthouse Slammer/County Museum on October 4th, 5 to 7PM. The open house will include a celebration of the mural painted by A. Perry and Corrie Northan. Snacks and beverages will be served.
- Mr. Whitten read a communication regarding zip code issue status. It is hoped this issue can be resolved without legislation.

8. BOARD COMMENT (No Action-No Public Comment):**Vice Chairman McGuffey:**

- The mural in the museum showcases local talent.

- V&T Railway had its biggest weekend this last weekend.

Chairman McBride:

- This was the fourth opening weekend of Hot August Nights in Virginia City – it was a total success. Entertainment was great and the town was “bursting at the seams”. It is good for economic purposes.

9. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of a presentation and overview of the proposed economic development financing proposal for a special assessment district and tax increment area for the effluent pipeline for certain properties in the Tahoe Reno Industrial Center.

County Manager Whitten recognized and thanked representatives from Switch, Tesla, Blockchains, Reno Land, Emerald City Empire, TRI General Improvement District, Farr West Engineering, J & A Consulting Group, and Sherman-Howard & Associates – who were in attendance. Google representatives could not attend but have expressed support for this proposal.

Mr. Whitten reviewed minor changes in the EDFP (Economic Development Financing Proposal):

- Special Assessment District (SAD) is Special Improvement District (SID);
- New company added – Emerald City Empire.

In support of the proposal, presentations were given by Marty Johnson, financial advisor from JNA Consulting Group; Kendra Follett, the County’s bond counsel from Sherman & Howard; and Jeremy Aguero, from Applied Analysis. **See attached TRIC Effluent Pipeline Presentation.**

Chairman McBride said the presentation answered most of the questions he has had at previous meetings.

Public Comment:

Adam Kramer, Executive Vice President of Strategy for Switch: Thanked the County and staff for the time put into this very complicated, innovative project. It will continue to promote economic development and environmental conservancy in the region. The ability to have this additional water is important to Switch – especially water that would otherwise add pollutants to the Truckee River. Mr. Kramer passed on the very strong support of Switch for the project.

Chris Riley, Workforce Development & Education Partnerships for Tesla: Echoes Mr. Kramer’s statements. We are in strong support of the work being done and the innovation behind this solution.

Mr. Riley gave an update on what is happening at Gigafactory One regarding construction, transportation, and education:

- Construction is continuing;
- There is currently at 5.4 million square feet operation space and production is expanding;
- There has been an increase in Model 3 production;
- In addition to the battery production, Model 3 motors are being produced at Gigafactory One, as well as home and corporate energy storage products;

- With the growth, they continue to bring on thousands of team members;
- They want to continue to be part of key infrastructure conversations. This includes transportation to the center – shuttle infrastructure has recently been increased and they are partnering with RTC on a van pool program. Transportation is key to the long-term sustainability of the center.
- As part of Tesla's commitment to Nevada, a \$37.5 million investment has been shared into K through 12 education starting July 2018. \$1.5 million was presented in July to the State Board of Education. Discussions have been held with Todd Hess on ways to invest in this community. An apprenticeship program is being built for high-school graduates to start entry-level careers at the gigafactory.

Joel Grace, Vice President of Development, Reno Land, Inc.:

- Reno Land heard about this project when first entering contract on their land in TRI.
- Not knowing what they were going to do, they did understand what the pipeline would do for the park as a whole and the attraction for economic development.
- This water adds a new element to the type of companies they can attract and what it will do for Storey County.
- This is why they support this project and hope (the Commission) considers it.
- Reno Land's capital partners are made up of seasoned developers. Current projects include the 141 acre Ranchera Estates; a 49 acre site at the location of the previous Parklane Mall; some holdings in Boomtown; and a workforce housing project on Mt. Rose Highway.

Randal Aleman, Emerald Lake Town Center (Developer of the proposed town center around the 75 acre lake at TRIC):

- To date, they have invested \$17 million plus into their project.
- This bond represents less than 10 percent of their total investment.
- There seems to be very little risk for the County, and it helps the smaller properties get where they need to go.
- The (town center) is a retail project – the missing part in Storey County – with the goal of being the largest sales tax generator in TRI. Bringing in hotels, restaurants, bars, and charter schools.
- Right now there is not even a coffee shop or a place to go for business meetings. Businesses have said the town center is crucial to their development.
- Mr. Aleman has been a land owner since early 2000's, is excited to be a part of this, and appreciates (the County's) help.

Sam Toll, Gold Hill Resident:

Asked if it is accurate that the pipeline/water storage facility would become the property of the GID. The investors – people being assessed property tax, ultimately being repaid by the TIA – will turn over what that money has purchased to the GID.

Mr. Aguero: That is correct.

Mr. Toll said he is a strong proponent of this idea. Wells are dropping and water is essential to growth. A lot of work has gone into this. Why is Storey County issuing the bonds and selling them to the State of Nevada – why wouldn't the State issue the bonds itself?

Kendra Follett, bond counsel: This is an option under SB1 – if the County approves the EDFP, the State of Nevada has the ability to issue General Obligation Bonds which carry a very low interest rate affording the same financing to the project.

Mr. Toll: Why wouldn't (the County) enjoy the low interest rates from the State and not encumber or include the County in the transaction?

Mr. Johnson: I think the question is why can't the State issue these bonds without County involvement? The answer is that statute requires the County to issue the bond and then the State buys it. This the only way to get the State interest rates.

Mr. Toll: Talking about assessing the property holders, foreclosing if payments are not made, and then liquidating their assets – we talk about the creation of a Tax Increment Area to reimburse everyone who made those payments. If the pipeline was not funded by the County, and payments were not made, would revenue generated by the TIA go into the Storey County general fund, or is it a TIA assessment above and beyond what they're already paying?

Mr. Aguero explained: The Tax Increment Area is created separate from the Special Assessment District. If nothing is built in that area, no revenue becomes available to reimburse the private developers for the pipeline. 100% of the development risk is borne by the private-sector developers. If funds are not available to make the special assessment payment – tax increment area dollars would not be available to make those bond payments. They are separate from one another. The only taxes that would be available to reimburse the developers for the amount they paid for the pipeline would be new money, and would have to be higher than what is generated today. Every dime collected before the TIA is created, has to be re-distributed to the School District, the State, and the County. Any new value would be distributed separately in to the TIA. The way the TIA is created, portions still go to the taxing entities – not all of the money is available to reimburse developer for costs incurred. As development begins, both public sector and all of the entities will share in the benefit – the private sector will get a portion up to the amount invested in the pipeline.

Mr. Toll: Under the TIA, will assessed taxes and collected taxes on future revenue go into County funds?

Mr. Aguero: Storey County is not "on the hook". In order for the County to potentially be on the hook – property values would have to drop 60-80%, reserve funds would have to be exhausted, and a foreclosure would have to not be sufficient to offset all the costs. If this process were not to happen, would more revenue make it to all of the State and local governments. This is not the case – the intensity of development will be greater – more property, business, and payroll taxes. The magnitude of plans by these companies are predicated on having water and sufficient resources. Without the water resources, there would be lower intensity uses and a longer period before those uses are developed. The amount of property, sales, and other taxes would be less.

Mr. Johnson: To clarify, the amount of money the County will be on the hook for – the amount of the bonds will be \$35 million. Storey County's "liability" is whatever the annual payment is up to the amount that is in the uncommitted, ending fund balance. If the amount were to be "zero", the State

of Nevada would have to pay out of the general fund. The County's liability is limited to the amount of the uncommitted fund balance in the year there is a deficiency in the bond payment.

Mr. Toll questioned the TIA used to repay the stakeholders – this is County taxpayer money not....

Mr. Johnson: Theoretically, whatever tax increment revenues are generated. So yes, it would be money that would come to the County. Modified business tax goes to the State, sales tax goes to all sort of places, including local taxes in Storey County. With this project higher dollar amounts can be generated in property tax revenue.

Mr. Toll suggested had these companies made this investment on their own, the County would benefit doubly. There is a dramatic impact on the County. If these companies had spent their own money to invest on their own infrastructure, why does the County have to reimburse them?

Chairman McBride said there are tax reasons behind this and it doesn't tie up their capital.

Mr. Toll asked questions about the GID in TRI.

Chairman McBride said this is off-track. The GID is debt free.

Mr. Toll requested and asked if this item can be put on the November ballot for the voters to decide.

Chairman McBride responded that it is too late.

Nicole Barde, Storey County resident: Ms. Barde read the following statement into the record:

"First I would like to state that I am in favor of this pipeline. Having worked in the semiconductor industry for 20 years I understand fully the need for water in a manufacturing process. I also understand what it takes to attract the types of high caliber companies like Tesla and Switch into a new location and so I am not opposed in principle to the offering of incentives to do that.

What I am opposed to is the continued assault on taxpayers to pay for the costs associated with the operations of corporate entities who should be bearing that burden themselves.

The State of Nevada has given epic abatements to these companies to get them here. They are enjoying tax relief that none of our small businesses enjoy in order to produce their products which we will eventually get sales tax revenues from.

Visitors who come to town are greeted with a sign proclaiming Storey County as "The Richest Place On Earth".

At the last VCTC meeting, a board member announced that Storey County is the wealthiest county in the United States per capita.

In contrast, when I attended the Community Chest's needs assessment meeting, Erik Schoen provided a contrasting view.

According to his presentation based on statistics from communitycommons.org: Storey County's median age is 54...compared to 37 for the State and the US.

28% of our population is 65+ older and are on fixed incomes. This compares to 14% for Nevada and the US

Storey County has 49% of it's population designated as "food insecure" compared to 25% for the

state and 29% for the US....which means after the hard expenses are paid there is little left for other necessities. 50% of our children are "food insecure"

Storey County has 7.25% of it's housing units without kitchen facilities compared to 1.93% for Nevada and 2.84% for the US.

Storey County has little to no childcare facilities accessible or affordable to it's residents. We are not a rich country.

Our people are not rich.

So when I stand up and speak against the pilfering of our tax revenues, past, present or future I speak out because we need those revenues to help our citizens.

We've been told that we are the richest county in America. By what standard? Certainly not by the statistics I just read.

We've been told tht TRI would give the county and it's resident so much revenue that we could expect a tax roll back. Empty promise.

We are not stupid...we understand that you have to spend money to make money and so we're waiting patiently for the abatements to cease so that we can have the revenues we need to provide more service to our residents.

Now you tell me that the future revenues of the abated companies are going to pay for a pipeline that only they need and only they will use. You want to use revenues that are needed to help feed, service and support our own residents to build a pipeline for some of the richest companies in Nevada?

What I want to say to those companies is this....The state of Nevada has given you a spectacular deal...you are enjoying great tax relief....\$35 million dollars split between the key companies is the equivalent of an ATM transaction for each of you. Be generous....pay for it yourselves. Let the good people of Storey County keep our revenues so that we may better our lives."

Chairman McBride commented not all of the companies in TRI have tax abatements and not all who have abatements will be used on the pipeline.

Mr. Whitten said the only taxpayer dollars involved in this type of financing are taxpayer dollars of the six companies.

Deputy District Attorney Loomis: Mr. Toll indicated that I had said the taxpayers were on the hook for the GID. That is not the case. The GID is a 318 District - there is a provision stating if 20% of the residents of the GID or the Department of Taxation requests the County to look at the GID to see if it needs to be changed, the Board is required to have a hearing. Mr. Loomis explained what abilities the Board would have regarding the GID. There is no obligation on the taxpayers to backstop the GID.

Scott Jolcover, Storey County resident: This procedure in front (of the Board) is good business. It is a wise decision to approve this - there is little to no risk.

Mr. Whitten: Staff recommends approval of the presentation and the financing proposal, as well as the two subsequent items.

Special Advisors Marty Johnson, J & A Associates, and Kendra Follett, Sherman & Howard, both concurred with approval.

Motion: I, Commissioner Jack McGuffey, move to approve the presentation and overview of the proposed economic development financing proposal for a special assessment district and tax increment area for the effluent pipeline for certain properties in the Tahoe Reno Industrial Center, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

10. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of resolution 18-501 approving the economic development financing proposal for the effluent pipeline for certain properties in the Tahoe Reno Industrial Center; directing the Clerk of the County to notify the Governor's Office of Economic Development and the Interim Finance Committee of the Nevada Legislature of the County's approval; and providing other details in connection therewith.

Mr. Whitten explained there are two Resolutions – 18-501 directs the Clerk to forward approval to GOED and 18-502 is forwarding approval to Interim Finance Committee of the Nevada Legislature.

Ms. Follett clarified that Resolution 18-501 is approval for the financing proposal for the effluent pipeline and to notify GOED and Interim Finance Committee of approval. Resolution 18-502 concerns the financing of natural resource projects and approval is to be sent to the Interim Finance Committee.

Public Comment:
None

Motion: I make a motion to approve resolution 18-501 approving the economic development financing proposal for the effluent pipeline for certain properties in the Tahoe Reno Industrial Center; directing the Clerk of the County to notify the Governor's Office of Economic Development and the Interim Finance Committee of the Nevada Legislature of the County's approval; and providing other details in connection therewith, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

11. DISCUSSION/POSSIBLE ACTION: Consideration and approval of resolution 18-502 concerning the financing of natural resource projects; directing the Clerk of the County to notify the Interim Finance Committee of the Nevada Legislature of a request for approval pursuant to NRS 278C.157 and 278C.280; and providing other details in connection therewith.

Mr. Whitten said this item pertains to the Interim Finance Committee and their requirements, staff recommends approval.

Public Comment:
None

Motion: I, Commissioner Jack McGuffey, move to approve resolution 18-502 concerning the financing of natural resource projects; directing the Clerk of the County to notify the Interim Finance

Committee of the Nevada Legislature of a request for approval pursuant to NRS 278C.157 and 278C.280; and providing other details in connection therewith, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

12. DISCUSSION/POSSIBLE ACTION: Approval of Resolution 18-503 regarding the request by the Director of the State of Nevada Department of Business and Industry to approve the Findings of Fact pertaining to the issuance of industrial development revenue bonds in one or more issues in an aggregate amount not to exceed \$44,000,000 for the purpose of assisting in the financing or refinancing of a portion of the additional costs of (i) constructing and equipping a facility to be used for converting municipal solid waste into renewable fuel products located on an approximately 19.4-acre site to be located at 3600 Peru Drive in the Tahoe-Reno Industrial Center, Storey County, Nevada and (ii) the improvements to and equipping of the facility used for preliminary sorting and processing of municipal solid waste located on an approximately 10-acre site at 350 Saddle Court in Mustang, Storey County, Nevada. The project will be owned by Fulcrum Sierra Holdings, LLC, and operated by Fulcrum BioEnergy, Inc. approval of the County is required pursuant to NRS 349.580(2).

Mr. Whitten explained this is another procedural step in support of the Fulcrum project, approving the findings of fact of the Director of the State of Nevada Department of Business and Industry. This is non-binding on the County – a procedural step required by statute.

Chairman McBride commented this is state-of-the-art technology, turning garbage into jet fuel.

Public Comment:

Sam Toll pointed out the contrast in how Fulcrum is financing their project versus the pipeline project – using their own money.

Motion: I, Commissioner Jack McGuffey, move to approve Resolution 18-503 regarding the request by the Director of the State of Nevada Department of Business and Industry to approve the Findings of Fact pertaining to the issuance of industrial development revenue bonds in one or more issues in an aggregate amount not to exceed \$44,000,000 for the purpose of assisting in the financing or refinancing of a portion of the additional costs of (i) constructing and equipping a facility to be used for converting municipal solid waste into renewable fuel products located on an approximately 19.4-acre site to be located at 3600 Peru Drive in the Tahoe-Reno Industrial Center, Storey County, Nevada and (ii) the improvements to and equipping of the facility used for preliminary sorting and processing of municipal solid waste located on an approximately 10-acre site at 350 Saddle Court in Mustang, Storey County, Nevada. The project will be owned by Fulcrum Sierra Holdings, LLC, and operated by Fulcrum BioEnergy, Inc. approval of the County is required pursuant to NRS 349.580(2),

Action: Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

Chairman McBride called for recess a 12:05 PM.

Meeting reconvened at 12:20 PM.

Item 23 moved before Item 13.

23. DISCUSSION/POSSIBLE ACTION: Variance 2018-024 request to allow for a reduction to the rear yard setback for the construction of a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16.

Planner Kathy Canfield described the location of the property and the proposed setback. Applicant is proposing an addition to the kitchen at rear of the building – this site makes the most sense. No comments were received from adjacent neighbors and the Planning Commission recommended approval.

Public Comment:

None

Ms. Canfield read the findings:

The applicant requests a variance (Variance 2018-024) to the rear yard setback for the construction of a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16;

The subject property is located within CR Commercial Residential zoning with an existing restaurant as a primary use. The property has existing excavated outdoor space surrounding the building that is located at the "C" Street elevation, two stories below the elevation of the adjacent "B" Street;

That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification;

That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property;

The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations;

The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.30 CR Commercial Residential Zone when all Conditions of Approval are met;

The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

Motion: In accordance to the recommendation by staff and the Planning Commission, the findings of fact under section 3.a of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, County Commissioner Jack McGuffey, recommend approval of Variance 2018-024 to the rear yard setback for the construction of

a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

13. DISCUSSION/POSSIBLE ACTION: First Reading of Ordinance 18-288. An ordinance adding chapter 2.22 to the Storey County Code establishing a procedure for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board and providing for other matters properly related thereto.

Deputy District Attorney Keith Loomis explained there is a different process for the purchase and sale of County property. NRS 244.795, requires an Ordinance setting forth the procedure by which appraisers would be selected for properties the County wants to sell. There must be at least five appraisers.

Mr. Loomis read the title: An ordinance adding chapter 2.22 to the Storey County Code establishing a procedure for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board and providing for other matters properly related thereto.

Public Comment:
None

Motion: I, Commissioner Jack McGuffey, move to approve the First Reading of Ordinance 18- 288, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

14. DISCUSSION/POSSIBLE ACTION: (Continued from July 3, 2018, board meeting)
Consideration of letters of interest and appointment of a planning commissioner to fill the vacancy and serve the remainder of the term representing Precinct 1 Virginia City on the Storey County Planning Commission.

Vice Chairman McGuffey disclosed that he is an employee of Jim Collins who has applied for the Planning Commission vacancy. Per the District Attorney's recommendation, Austin Osborne requested continuance of this matter to August 21, 2018.

Motion: I make a motion to continue Item 14 to August 21, 2018, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

15. DISCUSSION/POSSIBLE ACTION: First Reading of Ordinance No. 18-286 an ordinance amending Chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters.

Mr. Osborne explained this is an amendment to Chapter 2.12 dealing with Planning Commission procedures eliminating items that should not be there and providing for posting of vacancies.

Mr. Osborne read the title: Ordinance No. 18-286 an ordinance amending Chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters.

Public Comment:

None

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve First Reading of Ordinance No. 18-286 an ordinance amending Chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

16. DISCUSSION/POSSIBLE ACTION: First Reading of Ordinance No. 18-285 an ordinance amending Chapter 2.44 of the Storey County Code re-establishing the Storey County Regional Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto.

Mr. Osborne: This ordinance amends Chapters 2.44 and 3.80. This is a clean-up of the ordinance – creating an ordinance that is clear under NRS. It also resurrects the Storey County Regional Transportation Commission and aligns the ordinance with NRS. The Commission will consist of two Commissioners from the Board of County Commissioners and one citizen at-large. This Commission will help address transportation needs in TRIC, infrastructure, neighborhood roads, and will collaborate with other regional entities. In addition, provide direction to staff.

Mr. Osborne read the title: Ordinance No. 18-285 an ordinance amending Chapter 2.44 of the Storey County Code re-establishing the Storey County Regional Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto.

County Manager Whitten: This is a great way to go. There are a lot of opportunities, including addressing local issues such as Six Mile Canyon.

Public Comment:

None

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve First Reading of Ordinance No. 18-285 an ordinance amending Chapter 2.44 of the Storey County Code re-establishing the Storey County Regional Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

17. DISCUSSION/POSSIBLE ACTION: (Continued from the 07/03/18 board meeting)

Modification to the Tahoe-Reno Industrial Center, LLC-Storey County Development Agreement, in accordance with Section 5.2, by accepting and approving amendments to Chapter 8, and to the 1999 zoning ordinance provisions of Storey County Code 17.28 C Commercial Zone modifying building height limitation from 3 stories or 45 feet to 6 stories or 75 feet, adding to Section 17.28.020 Permitted Uses urgent-cares, truck sales, heavy equipment sales, microbreweries, and micro-distilleries; adding to Section 17.28.030 Uses Subject to Permit buildings exceeding 6 stories or 75 feet, and hospitals, convalescent homes, and sanitariums; and amending SCC 17.36 I1 Light Industrial Zone modifying building height limitation from 4 stories or 50 feet to 6 stories or 75 feet, and other properly related matters.

Mr. Osborne explained this item amends the 1999 Zoning Ordinance, chapter 8, and modifies the TRIC-Storey County Development Agreement allowing consistent height limitations throughout the park. Multiple hotels are wanting to build in TRIC with up to 6 stories, requiring amending the Commercial Zone to height limitation of 6 stories or 75 feet. At the same time, it is recommended to amend the I1 Light Industrial Zone to the same height limitation.

Other “clean up” amendments are being made, including additions to permitted uses. Certain uses will be moved to Special Uses requiring Special Use Permit approved by the Board and Planning Commission.

Mr. Whitten asked how this interacts with the agreement with Tesla requiring any buildings over 55 feet to make co-payments on the quint ladder truck.

Mr. Osborne answered these sort of items are not addressed in the code and refers any questions to the Fire Chief. Any contractual agreement the County has, will still be in effect and enforced. If needed, those could be modified in a different agreement.

Deputy District Attorney Loomis said this came up in a previous matter where a decorative parapet exceeded the height. Tesla had no objection to this property not participating in payments on the fire truck. The building itself did not exceed the height, that would be different.

Mr. Whitten indicated that clarity on the Government Services Agreement is on the list of items for discussion with Tesla.

Mr. Whitten expressed concerns the amendments to the code are not clear about participation in the purchase of the fire truck based on the height of a building.

Mr. Osborne explained zoning ordinances provide regulations regarding setbacks, uses, and such. Other requirements would come from the building/community development department and fire officials. The zoning ordinance does not address building codes, and not all zoning, planning, and fire codes. There are “consortiums” for various requirements by different developments – such as the agreement with Tesla for a ladder truck consortium. This is not in the zoning. Once a development request is put together, it is reviewed for compliance by Planning Department, the Fire Department, and Community Development.

Public Comment:

Sam Toll: Asked what the trigger would be for another fire station in TRI.

Mr. Whitten: The trigger would be development of properties outside of ISO areas and explained an ISO area. Currently we are looking at possibly building two stations farther out and using the current location for other purposes. Mr. Whitten reviewed potential locations in the TRI area. Developers are obligated to pay, the challenge is staffing.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve the Modification to the Tahoe-Reno Industrial Center, LLC-Storey County Development Agreement, in accordance with Section 5.2, by accepting and approving amendments to Chapter 8, and to the 1999 Zoning Ordinance, provisions of Storey County Code 17.28 C Commercial Zone modifying building height limitation from 3 stories or 45 feet to 6 stories or 75 feet, adding to Section 17.28.020 Permitted Uses urgent-cares, truck sales, heavy equipment sales, microbreweries, and micro-distilleries; adding to Section 17.28.030 Uses Subject to Permit buildings exceeding 6 stories or 75 feet, and hospitals, convalescent homes, and sanitariums; and amending SCC 17.36 I1 Light Industrial Zone modifying building height limitation from 4 stories or 50 feet to 6 stories or 75 feet, and other properly related matters, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

18. DISCUSSION/POSSIBLE ACTION: Resolution No. 2018-500, for ten dollars, acceptance of grant, bargain, sale, and conveyance from Tahoe-Reno Industrial Center, LLC to Storey County rights, title, and interest in real property described in Enclosure A, that being vacant property that will facilitate county and other communications facilities at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada.

Deputy District Attorney Keith Loomis explained there is no Resolution attached to this item – it is changed to a Deed of Dedication. An amended, proposed motion is provided. Mr. Loomis does not believe the change from Resolution to a Deed of Dedication causes an issue with the item to be considered by the Board.

Mr. Osborne: In January the Board approved an item dividing a map near TRIC creating a 40 acre parcel. The parcel is still owned by Tahoe-Reno Industrial Center, LLC. The County is requesting TRIC dedicate that property to Storey County, allowing the County, NDOT, and other agencies, to install necessary emergency equipment. Tahoe-Reno Industrial Center, LLC is in agreement.

Mr. Whitten said this a typical indicator of the great relationship between TRIC and the County.

Public Comment:

Nicole Barde: Agrees the TRI partnership is very good. When (the County) gives them something, the County charges nothing. They are charging \$10.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve to accept a Deed of Dedication from Tahoe-Reno Industrial Center, LLC, to Storey County rights, title, and interest in the real property described in Enclosure A, that being vacant property that will facilitate County and other communication facilities at the Tahoe-Reno Industrial Center,

McCarran, Storey County, Nevada, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

19. DISCUSSION/POSSIBLE ACTION: Resolution No. 2018-499, for ten dollars, acceptance of grant, bargain, sale, and conveyance from Tahoe-Reno Industrial Center, LLC to Storey County rights, title, and interest in real property described in Enclosure A, that being portions of Milan Drive at the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada.

Deputy District Attorney Loomis requested this item be continued to August 21, 2018 to insure compliance with the voucher process.

Motion: I make a motion to continue Item 19 to August 21, 2018, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2

20. RECESS TO CONVENE AS THE 474 FIRE PROTECTION DISTRICT BOARD

21. DISCUSSION/POSSIBLE ACTION: Action to approve the Storey County Fire Protection District Annual Operating Plan with the Truckee Meadows Fire Protection District.

Fire Chief Jeff Nevin: This is a renewal of agreement signed last year – updated with new information.

Public Comment:
None

Motion: I move to approve the Annual Operating Plan between Storey County Fire Protection District and the Truckee Meadows Fire Protection District, and authorize the Chairman to sign, **Action:** Approved, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

22. ADJOURN TO CONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

23. Heard before Item #13

24. DISCUSSION/POSSIBLE ACTION: Approval of Business License second readings:
Approval of business license second readings:

- A. ECOCLEAN, INC – General / 26801 Northwestern Hwy ~ Southfield, MI
- B. 4 CONCRETE LLC – Contractor / 2735 Azusa Lane ~ Reno, NV
- C. URETEK USA, INC – Contractor / 13900 Humble Rd ~ Tomball, TX
- D. C.G. AUTOMATION & FIXTURE, INC – General / 5352 Rusche Dr ~ Comstock Pk, MI
- E. RON COLCORD CONSTRUCTION – Contractor / 280 Vermillion ~ Reno, NV
- F. ADVANTAGE TECHNICAL RESOUCING – General / 201 E. 4th St ~ Cincinnati, OH
- G. AMERICAN SCALE CO, INC – General / 21326 E. Arrow Hwy ~ Covina, CA
- H. LYRA CLINICAL ASSOCIATES, P.C. – General / 205 Park Rd ~ Burlingame, CA
- I. ACE INSULATION NV INC – Contractor / 1306 Dynamic St ~ Petaluma, CA

J. WADE METAL WORKS LLC - General / 3025 Mill St ~ Reno, NV
K. MEE2, INC, DBA: RENO FORKLIFT - General / 171 Coney Island ~ Sparks, NV
L. FCC COMMUNICATION, INC - General / 1360 Greg St ~ Sparks, NV
M. SAIKAI ELECTIC CO, LTD - General / 34-19 Suehiro-cho ~ Osaka, JP
N. AEM CONSULTING GROUP, INC - General / 1125 Ivy Lane ~ Ashland, OR
O. ECARGO LLC, DBA: ROCKIN DINER ROLLIN - 545 Valle Verde ~ Sparks, NV
P. L.P.R. CONSTRUCTION - Contractor / 1171 Des Moines Ave ~ Loveland, CO
AA. SAFETY ON SITE - General / 316 California Ave ~ Reno, NV
BB. NAISBITT CONSTRUCTION - Contractor / 4 Hardy Dr ~ Sparks, NV

On behalf of Community Development, County Manager Whitten requested approval of items A through P, and AA and BB.

Motion: I make a motion to approve Items A through P, and AA and BB, **Action:** Approve,
Moved by: Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by
unanimous vote, (**Summary:** Yes=2)

25. PUBLIC COMMENT (No Action)

None

26. ADJOURNMENT

Chairman McBride adjourned the meeting at 1: 17 P.M.

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018
Agenda Item Type: Regular Agenda

Estimate of Time Required: 0-5 min.

1. **Title:** Approval of the minutes of August 21, 2018.
2. **Recommended motion:** Approve as submitted.
3. **Prepared by:** Vanessa Stephens

Department: Clerk

Contact Number: 775.847.0969

4. **Staff Summary:** Attached
5. **Supporting Materials:** See attached
6. **Fiscal Impact:** 0
7. **Legal review required:** No
8. **Reviewed by:**

RS Department Head

Department Name: Clerk

_____ County Manager

Other Agency Review: _____

9. **Board Action:**

<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Modification
<input type="checkbox"/> Denied	<input type="checkbox"/> Continued



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, AUGUST 21, 2018 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

JACK MCGUFFEY
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

ROLL CALL: Chairman McBride, Vice-Chairman McGuffey, Commissioner Gilman, County Manager Pat Whitten, Deputy District Attorney Keith Loomis, Clerk & Treasurer Vanessa Stephens, Comptroller Hugh Gallagher, Sheriff Chief Deputy Tony Dosen, Fire Chief Jeff Nevin, Planning Director/ Administrative Officer Austin Osborne, IT Director James Deane, Public Works Director Jason Wierzbicki, Project Manager Mike Northan, Tourism Director Deny Dotson, Community Relations Director Cherie Nevin, Fire Marshal Martin Azevedo, Virginia City Senior Center Stacey Gilbert, Community Chest Director Erik Schoen, Special Counsel Robert Morris

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.

Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

Chairman McBride led those present in the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for August 21, 2018.

Mr. Osborne requested Consent Agenda Item 4I be continued. No specific date.

Public Comment:
None

Motion: Approve Agenda for August 21, 2018, continuing Consent Agenda Item 4I, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

4. CONSENT AGENDA:

I For possible action, approval of update to Storey County Administrative Policies and Procedures including Policy 1001 Disciplinary Action and Appeals, and adding Policy 1000 Investigations of Alleged Misconduct. **This item continued.**

II For possible action, approval of Treasurer's Report for July 2018.

III For possible action, approval of business license first readings:

- A. BLOCKCHAINS MANAGEMENT, INC - General / 610 Waltham Way ~ Sparks, NV
- B. INTERIOR SPECIALISTS, INC - Contractor / 10 Bunsen ~ Irvine, CA
- C. SNVRE, INC - General / 6990 S. McCarran Blvd ~ Reno, NV
- D. EL PAISANOS - General / 125 E 2nd Ave ~ Sun Valley, NV
- E. ANTON PAAR USA, INC - General / 10215 Timber Ridge Dr ~ Ashland, VA
- F. CALTROL INC - General / 1385 Pama Lane ~ Las Vegas, NV

Public Comment:

None

Motion: Approve Consent Agenda for August 21, 2018, with continuance of Item 4I, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

5. DISCUSSION ONLY (No Action-No Public Comment): Committee/Staff Reports

Mike Northan, Project Manager:

- Insurance repair work is 99% complete;
- Station 72 is substantially complete;
- Judge's chambers - ceiling registers to be installed and law books to be put away;
- Repairs to the wall in the courtroom will be done August 27th.

Erik Schoen, Community Chest/Library Director:

- Medical center is being fully utilized with two exam rooms. Open Wednesday and half-day on Monday.
- Summer children's program just wrapped up with 60-70 kids attending. They loved the expanded space and additional activities with the park and pool next door.
- Before and after school programs are in full swing in Virginia City.
- Thanks to the generosity of the Gilman family and partnership with the School District, a before and after school program is back in Lockwood. This is exciting - the school and community have wanted this for a long time.
- The library is open with books that can be checked out and computers for public use. People are available to help in the technology center.
- The Halloween show will be Friday, October 26th - "Halloween No Brainer Zombie Bash"

Louise Pena, RSVP Representative - Lockwood:

- Slow going last month. There seems to be issue with some people not wanting Louise on RSVP.
- She is working hard to get new people.
- Louise did not receive an invitation to National Night Out attend. She attended anyway.

- It's discouraging that we do not have full benefits but she knows the County is behind her trying to get the van going. It is a very big need.
- If anyone is interested in getting a van going in Virginia City, Louise is willing to help. She would like to see the program expand.

Cherie Nevin, Community Relations Director:

- Recently was on tour of Marlette Lake with representatives from Carson City, State of Nevada, and FEMA – looking at proposed projects for the water system. FEMA has mitigation funds available this coming year. The State is looking into this to make much needed improvements to the water system. The lead agency on this project is State of Nevada Public Works. FEMA was impressed with the system and saw the need to make improvements.
- Flu shot clinics are coming up: September 12 at Lockwood Community Center – 9 to 11; September 13, Virginia City Senior Center – 9 to 11; and October 17 at Mark Twain Community Center – 10 to 12.
- Grants have been busy:
 1. Working with Comstock Cemetery Foundation – very close to completion of the Visitor's Center and porch reconstruction. They are very thankful for the County's support and help;
 2. The process is beginning for improvements to St. Mary's Art Center porch and addressing drainage issues.
 3. Worked with the School District and received a grant to install a single point of entry at each school that is monitored by video camera.
- Stacey Gilbert and Cherie will be taking over the 4H cook lovers club. This is open to 5th graders at the elementary school starting at the end of January.
- An open house is scheduled at the County/Slammer Museum to showcase the mural - October 4th, 5 to 7 pm.
- There will be closures on Ophir Grade when construction begins on the Five Mile Waterline Project – with the exception of emergency access.

Deny Dotson, VCTC Director:

- The rodeo last weekend was a big success starting off with a long-horn cattle drive on C Street. It was a packed house both days.
- Thank you to Public Works for the equipment and to Ames Construction for preparing the property at the fairgrounds.
- Civil War Days will be held on Labor Day weekend.

Fire Chief Jeff Nevin:

- Reminded we are still in fire season and to be extra vigilant. Fire restrictions are still in effect on public and private lands.

James Deane, IT Director:

- The next generation firewall has been installed in Courthouse. Action has been taken on issues we were not aware of before.
- The fiber-line in the Lockwood Sheriff's substation is operational and will improve public service in Lockwood.

Austin Osborne, Administrative Officer/Planning Director:

- The Lands Bill has been introduced into Senate Committee by Senator Cortez-Masto. Senator Heller will be signing the Bill as well.
- Kathy Canfield has been preparing for the FEMA NFIP Flood Plain audit done every five years to determine where the County lands on a community rating system. This includes the update of the flood plain ordinance. This all translates into required flood insurance rates for residents in Lockwood.
- There has been regional cooperation between NDOT, Washoe RTC, Storey County, and other counties. There have been discussions regarding what solutions Tesla, Panasonic, and other companies have taken to get people into buses and vans, and off the highway.

Hugh Gallagher, Comptroller:

- Introduced Jacqueline Jones from Tyler Technologies. Ms. Jones is providing insight and training on the County's new software. User training will begin in the next couple of weeks and the program will go live in mid-October.

Pat Whitten, County Manager:

- Commended Ms. Jones and Tyler Technologies. Mr. Whitten said he has never seen a vendor that has been as good as Jacqueline – she is a great representative of her company.
- The sewer project is at 347 days, with 83 days left to completion. Basically the project is in clean-up mode, with a few connections left in peripheral areas.
- One milestone is that Ames has connected E Street from the Silverland to Mill Street. Eventually it will be paved.
- When the EDFP was heard at the last meeting, action items were listed to be done at today's meeting. It is not on the agenda as there is a section NRS that requires approval of the Legislative Interim Finance Committee before this Board considers action:
 - This will be brought back probably at a meeting in September.
 - Thank you to Comptroller Gallagher and Deputy District Attorney Loomis for the hard work.
 - I went with Mr. Gallagher to GOED, receiving unanimous approval after some pretty sharp questions.
 - Through Marty Johnson, talks have been engaged with the State Treasurer's Office.
 - The full team met yesterday to clarify where we are in this project. Who's in the Special Assessment District, who's not in. Appraiser Mark Stafford and County Engineer Brett Farr are re-calculating value coverage numbers to make sure they are still adequate.
 - A meeting was held with the Director of Taxation, the Deputy Director, and a Management Analyst specializing in structures like this.
 - We hope to submit today a "safety net", or replenishment tool, that if all "safety nets" were gone through and we were down to the reserves of the General Fund, this would act as a replenishment mechanism.
 - At the September 4th meeting, we hope to present preliminary Special Assessment District and Tax Increment Area revenue numbers.
 - The County's bond counsel has a huge number of integral steps, resolutions and ordinances that will be required.

6. BOARD COMMENT (No Action-No Public Comment):

Commissioner Gilman: Stated he is glad to be back.

Vice-Chairman McGuffey:

- Thank you to Stacey at the Senior Center for giving their old chairs to the V&T.
- Met with Michael Weldon, Chief of Staff for Governor Sandoval, along with Pam Robinson, Policy Director, regarding the V&T and to see how to get the State more involved. The V&T has a new Board, they have a handle on the budget, but there is a lot of work to do to finish rail reconstruction and it will take way more than the V&T has.
- The V&T is in the process of applying to get on the Governor's list for funds.
- It was also recommended the V&T present a BDR and get the State to commit to annual funding.
- It is a good feeling that they are all behind (the V&T).

Chairman McBride:

- Attended the National Night Out in Lockwood. The turnout was amazing despite 100 degree weather. The Sheriff's Office and Fire Department were there with a lot of staff.

7. RECESS TO CONVENE AS STOREY COUNTY 474 FIRE PROTECTION DISTRICT BOARD

8. DISCUSSION/POSSIBLE ACTION: Approve a contract between the Carson City and the Storey County Fire Protection District for use of the Regional Fire Training Facility.

Fire Chief Jeff Nevin: This is a housekeeping issue - a new contract for use of the Regional Fire Training Facility. This is not used all the time, costs are only charged when the facility is used.

Chairman McBride commented this is a great deal because Storey County can use Carson City's facilities without having to build one in Storey County - which would be expensive.

Chief Nevin said they have more specialized equipment than what we have.

Public Comment:

None

Motion: I move to approve the Regional Fire Training Facility Use Contract between Storey County and the Fire Protection District, and authorize the Fire Chief to sign the contract, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

9. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

10. DISCUSSION/POSSIBLE ACTION: (Continued from July 3 and August 7, 2018, board meeting.) Consideration of letters of interest and appointment of a planning commissioner to fill the vacancy and serve the remainder of the term representing Precinct 1 Virginia City on the Storey County Planning Commission.

Vice-Chairman McGuffey recused himself as he is employed by the appointee, Jim Collins.

Austin Osborne explained this is an appointment to fill Planning Commissioner vacancy left by Virgil Bucchianeri, who retired after 23 years. Mr. Bucchianeri would be considered for an opening on the Planning Commission if one was available and he expressed interest. Mr. Bucchianeri's position expires December 2020. Two applicants applied – it was a hard decision. Jim Collins is being recommended for this position.

Chairman McBride said both applicants would have been acceptable. Mr. Collins brings a lot to the table with experience and knowledge of Virginia City.

Mr. Whitten agreed that both applicants are very dedicated to this community – either would have made a great choice. Jim will be a great addition to the Board.

Public Comment:

None

Motion: In accordance to the recommendation by staff, I, Lance Gilman, motion to appoint Jim Collins to fill the vacancy and serve the remainder of the term representing Precinct One, Virginia City, on the Storey County Planning Commission, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

11. DISCUSSION/POSSIBLE ACTION: (Continued from August 7, 2018) Consideration and possible acceptance of deed of dedication from Tahoe-Reno Industrial Center, LLC for the extension of Milan Drive in the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada.

Commissioner Gilman recused himself as he has a pecuniary interest in the Tahoe Reno Industrial Center.

Austin Osborne: This item is in accordance with the TRI Development Agreement creating an extension of Milan Drive, and under the Development Agreement, dedicate it to Storey County. The Public Works Director is comfortable that the road meets Storey County building standards. It is recommended that this Deed of Dedication be approved.

Public Comment:

None

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve acceptance of the Deed of Dedication from Tahoe-Reno Industrial Center, LLC, for the extension of Milan Drive in the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada , **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

12. DISCUSSION/POSSIBLE ACTION: Second reading of Ordinance No. 18-285 an ordinance amending chapter 2.44 of the Storey County Code re-establishing the Storey County Regional

Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto.

Austin Osborne: Regional transportation issues in Storey County and elsewhere have been discussed – including transit, buses, roads, and other improvements. This would be a good time to reconvene the Storey County Regional Transportation Commission (RTC). The District Attorney's Office has reviewed to insure this complies with NRS. This also defines the duties, powers, and other matters of the RTC.

Public Comment:
None

Mr. Osborne read the title: This is an Ordinance amending chapter 2.44 of the Storey County Code re-establishing the Storey County Regional Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto. Ordinance No. 18-815.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve second reading of Ordinance No. 18-285 an ordinance amending chapter 2.44 of the Storey County Code re-establishing the Storey County Regional Transportation Commission, removing redundant provisions from Chapter 3.80 of the Storey County Code, and providing for other matters properly related thereto, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Second reading of Ordinance Ordinance No. 18-286 an ordinance amending chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters.

Mr. Osborne reviewed this item - an update of the ordinance pertaining to the Planning Commission.

Public Comment:

Joe Bowman, Storey County Resident: Asked if this had been put out to the public such as in a newspaper article so the public would know what the changes are.

Mr. Osborne answered that when these ordinances are updated, they are posted for 3 days on the website (per NRS) in the agenda packet. This ordinance addresses the powers of the Planning Commission - not being able to enter into contracts and or having the power to create committees. This is the second reading – it has been posted twice and was published in the newspaper.

Mr. Osborne read the title: This is Ordinance No. 18-286 an ordinance amending chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve the second reading of Ordinance No. 18-286 an ordinance amending chapter 2.12 of the Storey County Code providing for the creation, duties, and powers of the Planning Commission, and other properly related matters, **Action:** Approve, **Moved by:** Vice Chairman McGuffey,

Seconded by: Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

14. DISCUSSION/POSSIBLE ACTION: Second reading of Ordinance No. 18-288 an ordinance adding chapter 2.22 to the Storey County Code establishing a procedure for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board and providing for other matters properly related thereto.

Deputy District Keith Loomis explained there is a different process for the County to sell County-owned property from purchasing property. NRS requires the adoption of an ordinance establishing a list of appraisers qualified to appraised County-owned property for sale. This is brought forward so the County can have the appraisal before selling County-owned property.

Public Comment:
None

Mr. Loomis read the title: An Ordinance adding chapter 2.22 to the Storey County Code establishing a procedure for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board and providing for other matters properly related thereto.

Motion: I, Commissioner Jack McGuffey, move to approve the second reading Ordinance No. 18-288, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

15. DISCUSSION/POSSIBLE ACTION: Modification to the Tahoe-Reno Industrial Center, LLC – Storey County Development Agreement by amending the development agreement master site plan to de-annex and exclude therefrom a portion of parcel defined in Exhibit A hereto “Deannexed Property” (APN 005-031-01) and located at McCarran, Storey County, Nevada.

Mr. Osborne said this modification is for a boundary line adjustment – creating a split parcel inside and outside of TRI that has taxing and zoning implications. When the record of survey is created for the boundary line adjustment, it requested that the TRI Master Site Plan be moved out to the line. One condition, this will not happen until the record of survey is recorded. This complies with the Zoning Ordinance, the Development Agreement, and all other County Codes

Mr. Loomis said this does not affect Mr. Gilman’s pecuniary interest in TRIC – he can vote on this item.

Public Comment:
None

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, move to approve modification to the Tahoe-Reno Industrial Center, LLC – Storey County Development Agreement by amending the development agreement master site plan to de-annex and exclude therefrom a portion of parcel defined in Exhibit A hereto “Deannexed Property” (APN 005-031-01) and located at McCarran, Storey County, Nevada, and that approval is conditioned that a record of survey (ROS) is filed with the Storey County Recorder’s Office before the de-annexation is filed

Action: Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

16. DISCUSSION/POSSIBLE ACTION: Consideration and possible acceptance of deed of dedication from Tahoe-Reno Industrial Center, LLC certain real property located at APN 005-061-01 Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, described in "Exhibit A" attached hereto.

Commissioner Gilman recused himself from discussion and vote on this.

Mr. Osborne explained this is a vacant, approximate half acre parcel, at the corner of Denmark and Peru in TRI. This parcel is adjacent to Fire Station 75 and could benefit the County in future expansion. TRI Center is dedicating this parcel to the County. Mr. Osborne said he is working with TRIC to potentially update a culvert on the property. Approval of this item is recommended.

Public Comment:

Sam Toll: Asked if this is the property on the agenda the County is paying TRI \$10 for and pointed out that in the past the County has received nothing for property given to TRI.

Mr. Loomis explained the reference to \$10 is a recital in a deed. Recitals do not have to actually happen – once there is recitation that consideration is given, it is binding on the deed making it a valid deed. No one ever pays the \$10.

Mr. Whitten: The property is worth substantially more than \$10 and is adjacent to the County's McCarren complex.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve acceptance of Deed of Dedication from Tahoe-Reno Industrial Center, LLC, certain real property located at APN 005-061-01 Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, described in "Exhibit A" attached hereto, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

17. DISCUSSION/POSSIBLE ACTION: Approval of Business License second readings:

- A. INTEGRATED MANUFACTURING & SUPPLY - Contractor / 620 Orvis Ave ~ San Jose, CA
- B. AKAZAWA MACHINE CO., LTD - General / 2-10-6 Tohgo Dohri ~ Osaka, JP
- C. EVOQUA WATER TECHNOLOGIES, LLC - General / 210 Sixth Ave ~ Pittsburgh, PA
- D. PETERSEN DEAN INC - Contractor / 39300 Civic Center Dr ~ Fremont, CA
- E. DANIEL W. PHETTEPLACE, DBA: THE ELECTRICIAN - Contractor / 1275 Kleppe ~ Sparks, NV
- F. GAEA GLOBAL TECHNOLOGIES, INC - General / 317 Whitcliff Ct ~ San Ramon, CA
- G. ASPEN DEVELOPERS CORP - Contractor / 2340 E. 5th St ~ Reno, NV
- H. CUMMINS INC - General / 390 Intercrest St ~ Broomfield, Co
- I. AEGIS ENGINEERING AND MGMT GROUP - General / 18601 LBJ Fwy ~ Mesquite, TX
- J. NORMAN S. WRIGHT MECH EQUIP - Contractor / 99A South Hill Dr ~ Brisbane, CA
- K. BERIAH VETTER, DBA: VETTER WORKS - Home / 131 Elizabeth Ln ~ Dayton, NV
- L. FUKAMI MANUFACTURING CO - General / 1121-1 Yamada ~ Gifu, JP
- M. FARR WEST ENGINEERING - General / 5510 Longley Lane ~ Reno, NV
- N. ZION BUILDERS INC - Contractor / 1170 Marietta Way ~ Sparks, NV

O. JOLT ELECTRIC LLC – Contractor / 152 Pebble Dr ~ Dayton, NV
P. USA SCALES, INC – General / 5401 Byron Hot Springs Rd ~ Byron, CA
Q. SUPERIOR TANK CO – Contractor / 9500 Lucas Ranch Rd ~ Bakersfield, CA
R. STEVEN GREEN – Home / 5438 Comstock Rd ~ Placerville, CA
S. MAYA’S SOUTH INDIAN CUISINE – General / 9655 Frankwood Dr ~ Reno, NV
T. AMIAD USA, INC – General / 120 Talbot Road ~ Mooresville, NC
U. AI SYSTEMS CO.,LTD – General / 11-18 Motomachi ~ Osaka, JP
V. WTR ELECTRIC INC – Contractor / 6005 Hockberry ~ Reno, NV
W. COMINIX U.S.A. INC – General / 990 Hammond Dr ~ Atlanta, GA
X. HOLDIAY ENTERPRISES – Home / 2331 Empire Rd ~ Reno, NV
Y. WELSCO DRILLING CORP – Contractor / 2510 Beasley Dr ~ Fallon, NV
Z. POGGEMEYER DESIGN GROUP INC – General / 6960 Smoke Ranch Rd ~ Las Vegas, NV
On behalf of Community Development, Mr. Whitten requested approval of items A. through Z.

Motion: I make a motion to approve Items A through Z, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

18. PUBLIC COMMENT (No Action)

Sam Toll: Once again asking to have Public Comment moved to both the beginning and end of the meeting. Having Public Comment at the end of the meeting sends the wrong message to the public, suggesting that they come last.

Louise Pena: As a taxpayer, Ms. Pena says she, and other homeowners in her community, have concerns about the Lockwood Senior/Community Center – it is not just a senior center, it is for the community. There is no one on the Board representing young people and no one who backs Cherie Nevin and Stacey Gilbert in their efforts. It is a community center which should include those who are not seniors. Too many on the Board discourage this and there is a breakdown in communication. National Night Out was successful, however if had been put on by someone else, it good have been bigger and better. If it wasn’t handled by the “We Care” program, attendance could have been doubled. The power needs to be taken away from them somehow. A lot of people would like to see the County not support the “We Care” program. If we can switch it over to what it was – the Lockwood Community/Senior Center and combine everything is where it should go. Ms. Pena would like to see the RSVP van for the Community Center and that it could be used for young kids. If it’s RSVP, it can only be used for seniors. The youth in Lockwood would like to come up to Virginia City for programs but have no transportation. Changes are needed. Thank you to all of the County Commissioners – there has been huge changes in participation from years past. Thank you Lance for so much that you do for the River District – like the food pantry. However, working families do not get the benefit as food is only given out on Wednesday mornings. “We Care” is the big problem and something needs to be done.

19. ADJOURNMENT

Chairman McBride adjourned the meeting at 11:14 A.M.

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-18

Estimate of time required: 0 - 5

Agenda: Consent ☒ Regular agenda ☐ Public hearing required ☐

1. **Title:** Business License First Readings -- Approval
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:** Melissa Field

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:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

☒ Department Head

Department Name: _____

☐ 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 • mfield@storeycounty.org

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

September 10, 2018
Via email

Fr: Melissa Field

Please add the following item(s) to the **September 18, 2018**, COMMISSIONERS Consent Agenda:

LICENSING BOARD

FIRST READINGS:

- A. COLEMAN ELECTRICAL CO** / Contractor – 2665 Billys Rd ~ Minden, NV
- B. NW HOLDING & RECOVERY, LLC** / General – 4900 Meadows Rd ~ Lake Oswego, OR
- C. GLOBAL RISK CONSULTANTS CORP** / General – 100 Walnut Ave ~ Clark, NJ
- D. SAVANAH LEE, DBA: ACCESS TRANSFORMATION** / MT – 4255 Wedekind Rd ~ Sparks, NV
- E. MEN WELDING FIRE INC** / General – 1485 W. 4th St. ~ Reno, NV
- F. ZUNESIS INC** / General – 8375 S. Willow St ~ Lonetree, Co
- G. LARSON DESIGN GROUP, INC** / General – 1000 Commerce Park Dr ~ Williamsport, PA

Ec: Community Development
Commissioners' Office

Planning Department
Comptroller's Office

Sheriff's Office



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018
Agenda Item Type: Consent Agenda

Estimate of Time Required: 0-5 min.

1. **Title:** For possible action, Approval of payroll claims in the amount of \$566,375.43 and accounts payable claims in the amount of \$278,382.93.
2. **Recommended motion:** Approve as part of the Consent Agenda.
3. **Prepared by:** Vanessa Stephens

Department: Treasurer

Contact Number: 775.847.0969

4. **Staff Summary:** Attached.
5. **Supporting Materials:** See attached
6. **Fiscal Impact:** 0
7. **Legal review required:** No
8. **Reviewed by:**

VB Department Head

Department Name: Treasurer

_____ County Manager

Other Agency Review: _____

9. **Board Action:**

<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Modification
<input type="checkbox"/> Denied	<input type="checkbox"/> Continued

Payroll Type: Regular Check Date: 09/07/18 Period-end Date: 09/02/18
Payroll Groups: 1 2 3 4 5 6 7 8 9

Check/ DD #	Emp #/ Ded #	Payee	Amount
----------------	-----------------	-------	--------

Total User Transfer for EFTPS:			67,509.03
Total Deductor Checks:			132,393.22
Total Employee Checks:			859.48
Total Employee Direct Deposit:			343,266.71
Total Employee Deds Xferd on Dir Dep File:			16,727.93
Total User Transfer to Deductor:			5,619.06
Total Disbursed:			566,375.43

Approved by the Storey County Board of Commissioners: _____

CHAIRMAN	COMMISSIONER	COMMISSIONER
_____	_____	_____
COMPTROLLER		

TREASURER		

Report No: PB1390
 Run Date : 08/30/18
 CHECK FISCAL
 NUMBER YEAR RECORD# VENDOR NAME
 93081 2019 1973 MCINTYRE, ATHENA

STOREY COUNTY
 TYPED CHECKS REGISTER
 CHECK CHECK
 TOTAL DATE INVOICE# DESCRIPTION
 783.72 8/30/18 TKT SALES 8/11/18

TYPED CHECKS TOTAL 783.72

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION DATE

 COMPTROLLER

 TREASURER

 CHAIRMAN

 COMMISSIONER

 COMMISSIONER

Report No: PE1380CH
Run Date : 08/30/18
Check
Number

Vendor Invoice

33 NEV DEPT HEALTH/HUMAN SVCDIV HEALTH CARE FINANCE
INV081318

Description

Date Voucher#

Amount

STOREY COUNTY

Register for Electronic Checks 8/31/18

Page 1

Check
Total

7,451.88

7,451.88

Checks Total

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

DATE

COMPTROLLER

TREASURER

CHAIRMAN

COMMISSIONER

COMMISSIONER

DISTRICT ATTORNEY

CARD	TOTAL
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

144

WELLS ONE COMMERCIAL CARD	PAYMENT							
	B.HICKS 08/14	TAX REIMBURSEMENT	8/31/18	1529	2.03			
	BBY01-80555656737	A/C UNIT SMAC	8/31/18	1507	299.99			
	BBY01-805557659372	GPS TRI TOWER RD/DRONE	8/31/18	1507	761.98			
	C.NEVIN- ROADPOST	SATELLITE PHONE-EMERG	8/31/18	1506	96.52			
	C.NEVIN- SURF THRU	CAR WASH- EXG2268	8/31/18	1506	7.00			
	CANFIELD	POSTAGE PUBLIC NOTICE	8/31/18	1510	7.90			
	CANFIELD	APA ANNUAL MEMBERSHIP	8/31/18	1510	95.00			
	CW AMAZON.COM	OFFICE SUPPLIES	8/31/18	1529	126.70			
	CW AMAZON.COM	TAX REF RECPT #404	8/31/18	1529	.52			
	CW PALACE RESTAURANT	TYLER TRAINING	8/31/18	1529	60.88			
	CW RED DOG SALOON	TYLER TRAINING	8/31/18	1529	40.88			
	D.SNYDER 08/10	FIRE ASSIGN TIRE TAX R	8/31/18	1529	90.58			
	D.SNYDER 08/10	REPLACE BROKEN DRILL	8/31/18	1529	24.99			
	D.SNYDER 08/13	FIRE ASSIGN TIRE TAX R	8/31/18	1529	45.50			
	D.SNYDER 08/16	CHAIN SAW OIL	8/31/18	1529	30.50			
	DD PALACE RESTAURANT	MEETING	8/31/18	1516	28.64			
	DD SKIPOLINI'S	MEETING	8/31/18	1516	65.45			
	DOSEN, T - SCSSO	WINCO- INMATE FOOD	8/31/18	1509	1,356.80			
	DOSEN, T - SCSSO	INCIN PARTS	8/31/18	1509	494.00			
	FACEBOOK	RODEO AD	8/31/18	1516	521.72			
	FACEBOOK	BTS AD	8/31/18	1516	71.05			
	FIELD/STARINES	AIR FARE FIRE INS PRIN	8/31/18	1511	542.60			
	GAUNT, D - SCSSO	BLOOD PRESSURE READER	8/31/18	1509	34.99			
	J.GRIMM 08/10	FIRE ASSIGN LODGING	8/31/18	1529	268.80			
	J.GRIMM 08/12	FIRE ASSIGN LODGING	8/31/18	1529	299.04			
	J.GRIMM 06/13	GRIMM/SMITH/ SPELTZ ME	8/31/18	1529	35.90			
	J.GRIMM 08/14	FIRE ASSIGN LODGING	8/31/18	1529	252.00			
	J.MCCULLOUGH 08/22	ST 74 LIGHT BULBS	8/31/18	1529	32.46			
	J.NEVIN 08/14	UNIFORM ALLOWANCE	8/31/18	1529	145.85			
	J.NEVIN 08/15	ERROR PAYMENT REIMBURS	8/31/18	1529	12.99			
	JEFFH- LOWES	LW GARDEN- IRRIGATION	8/31/18	1508	10.76			
	KD AMAZON	POSTER FRAMES	8/31/18	1516	302.97			
	KD SWAG BLUE MOON	TIN MUGS FOR VISIT CEN	8/31/18	1516	98.69			
	M.DIXON 08/09	RIC HOSE/ SCOTT CYLIND	8/31/18	1529	3,518.00			
	M.SMITH 08/13	FIRE ASSIGN AUTO PARTS	8/31/18	1529	40.58			
	MENDOZA - SCSSO	ROOM DEPOSIT- TRAINING	8/31/18	1509	79.37			
	OFFICE SUPPLIES	TMCC TRNG BOOKS FA18	8/31/18	1517	70.97			
	ORD #79000045823	FIRE ASSIGN FUEL	8/31/18	1514	219.25			
	R. THOMSEN 08/21	SCBA BATTERIES	8/31/18	1529	75.00			
	R.ADKINS 08/11	FIRE ASSIGN FUEL	8/31/18	1529	60.48			
	R.THOMSEN 08/20	FIRE ASSIGN FUEL	8/31/18	1529	127.43			
	R.THOMSEN 08/22	MCPHERSON TRNG TMCC FA	8/31/18	1514	717.50			
	REF #000001764274	CHAPMAN TRNG TMCC FA18	8/31/18	1514	993.78			
	REF #000001764297	MARTINEZ TRNG TMCC FA1	8/31/18	1514	348.75			
	REF #000001764374	CRYPTO TESTING	8/31/18	1508	62.94			
	SBREY- UPS	CRYPTO TESTING	8/31/18	1508	35.44			
	SBREY- WALMART	TAX CREDIT	8/31/18	1508	159.40			
	SKRETTE- AXLELINE	PARKS-ROPE	8/31/18	1508	12.47			
	SKRETTE- HD	B&G ROPE	8/31/18	1508	12.48			
	SKRETTE-HG	LUNCH DEVNET MEETING	8/31/18	1505	16.92			
	SLANTED PORCH	OFFICE SUPPLIES	8/31/18	1529	182.08			
	T.PIERETTI 08/10	BMW 1 REGISTRATION	8/31/18	1509	71.50			
	TROWBRIDGE - SCSSO	SAFE FOR POH OFFICE	8/31/18	1512	52.78			
	WB AMAZON	AUDIO CABLES	8/31/18	1512	20.98			

DESCRIPTION	DATE	TRANS#	AMOUNT
REFUND OF SALES TAX	8/31/18	1512	13.23-
INTERNET SERVICE	8/31/18	1512	40.43
SPARE KEYS FOR PIPERS	8/31/18	1512	10.47
SALES TAX	8/31/18	1512	.87
BAND DEPOSIT	8/31/18	1512	187.50
CARSON CITY STORAGE UN	8/31/18	1507	139.95
COMDEV CANON PRINTERS	8/31/18	1507	350.65
BATTERY BACKUPS	8/31/18	1507	17.50
DA CANON GRAPHICS EQUI	8/31/18	1507	256.26
VEHICLE CAR WASH	8/31/18	1507	5.00
NEW VEHICLE REGISTRATI	8/31/18	1507	7.00
NETTY BEDFORD	8/31/18	1529	955.00
CISCO PHONE SERVICE	8/31/18	1507	62.65
GRP, MCBRIDE, WHITTEN	8/31/18	1529	66.00
JAIL FIBER PVC INSULAT	8/31/18	1507	68.65
AT&T VCCC DSL INTERNET	8/31/18	1507	86.68
AT&T COMDEV DSL INTERN	8/31/18	1507	101.84
AT&T VCSO DSL INTERNET	8/31/18	1507	90.97
AT&T ST74 DSL INTERNET	8/31/18	1507	85.92
NAME PLATES FOR IT STA	8/31/18	1507	180.00
DOUG TRAINING CLASS	8/31/18	1529	7.00
		1507	29.99

15,350.84

15,350.84

Card Total

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

DATE

COMPTROLLER

TREASURER

CHAIRMAN

COMMISSIONER

COMMISSIONER

CHECK
TOTAL

INVOICE NUMBER	VENDOR	P/O #	INVOICE DESCRIPTION	DATE	TRANS#	AMOUNT	CHECK NUMBER	TOTAL
92991	FARR WEST ENGINEERING		PW63742 LUBE FILTER	8/31/18	85750	8.40		
			S056312 WASHER BLADES	8/31/18	85750	13.41		
			SHOP BRAKE CLEAN	8/31/18	85750	30.24		
			IT28155 COMPRESSOR	8/31/18	85750	240.39		
			FR66632 FILTERS	8/31/18	85750	37.65		
			S066024 HUB\	8/31/18	85750	401.11		
			S068576 DEL65PG	8/31/18	85750	124.01		
			FR32906 DEL BATTERY	8/31/18	85750	136.52		
			PW48223 DEL BATTERY	8/31/18	85750	273.04		
			PW48223 DEL BATTERY KW	8/31/18	85750	273.04		
92992	FCC COMMUNICATIONS, LLC		S056312 AIR FLTR PANEL	8/31/18	85750	22.98		
			FR 1/2 FVP GREEN DRUM	8/31/18	85750	480.15		
			S066024 BOLTS	8/31/18	85750	20.16		
			PW25253 AIR FLTR PANEL	8/31/18	85750	12.49		
			PW50285 DEL BATTERY	8/31/18	85750	115.15		
			PWROADS HE FVP DEF GALS	8/31/18	85750	139.10		
			2018 ROAD REHAB	8/31/18	85751	2,566.25		
			UWS GRANT VC ELEM SCHOOL	8/31/18	85787	4,361.00		
			UWS GRANT LOCKWOOD ELEM S	8/31/18	85787	4,884.03		
			UWS GRANT VCMIDDLE SCHOOL	8/31/18	85787	4,361.00		
92993	FERGUSON ENTERPRISES INC		UWS GRANT VC HIGH SCHOOL	8/31/18	85787	3,980.97		17,587.00
			CH IRRIG	8/31/18	85752	66.23		
			ALUM GRIP WRNCH	8/31/18	85752	87.70		
			2XCLOSE BRS NIP GBL	8/31/18	85752	100.16		
			SEP RETIREE VISION ADMIN	8/31/18	85741	222.13		
			NV FLAG FOR BUS OFFICE	8/31/18	85795	29.95		
			TRI UNL 326 / DSL 300	8/31/18	85773	1,645.09		
			LW UNL 284 / DSL 180	8/31/18	85773	1,356.36		
			JANITORIAL SUPPLIES	8/31/18	85753	2,031.42		
			4GAS PELICAN CASES SERC	8/31/18	85810	152.36		
92998	GREAT BASIN TERMITE & PES		ST 72 PEST CONTROL	8/31/18	85789	65.00		
			ST 71 PEST CONTROL	8/31/18	85789	65.00		
			ST 75 PEST CONTROL	8/31/18	85789	65.00		
			ST 74 PEST CONTROL	8/31/18	85789	65.00		
			LWSC QUARTERLY SERVICE	8/31/18	85754	65.00		
			LODGING REIMBURSEMENT	8/31/18	85790	200.48		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
			BACK UTILITIES	8/31/18	85772	40.00		
			BACK UTILITIES	8/31/18	85772	40.00		
93001	HAT, LTD		ROADS	8/31/18	85755	678.72		791.66
			DRUM PUMP END	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			HD SUPPLY FACIL MAINT LTD	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			GRIMM, JUSTIN LEIGH	8/31/18	85754	325.00		
			GTP INVESTMENTS LLC	8/31/18	85790	200.48		
			LODGING REIMBURSEMENT	8/31/18	85790	200.48		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
93002	HAT, LTD		ROADS	8/31/18	85755	678.72		791.66
			DRUM PUMP END	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			HD SUPPLY FACIL MAINT LTD	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			GRIMM, JUSTIN LEIGH	8/31/18	85754	325.00		
			GTP INVESTMENTS LLC	8/31/18	85790	200.48		
			LODGING REIMBURSEMENT	8/31/18	85790	200.48		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
93003	HAT, LTD		ROADS	8/31/18	85755	678.72		791.66
			DRUM PUMP END	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			HD SUPPLY FACIL MAINT LTD	8/31/18	85756	763.96		
			HISTORIC FOURTH WARD SCHO	8/31/18	85851	32.00		
			GRIMM, JUSTIN LEIGH	8/31/18	85754	325.00		
			GTP INVESTMENTS LLC	8/31/18	85790	200.48		
			LODGING REIMBURSEMENT	8/31/18	85790	200.48		
			POND PEAK BACK RENT	8/31/18	85772	355.83		
			POND PEAK BACK RENT	8/31/18	85772	355.83		

Report No: PB1315
Run Date : 08/30/18

STOREY COUNTY
CHECK REGISTER 8/31/18

Page 4

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
93004	HOME DEPOT CREDIT SERVICE	8/10/18 - 8/23/18		8/31/18	85851	247.50	279.50
93005	HOMETOWN HEALTH	CONCRETE 4 VLVE BOXES		8/31/18	85757	136.52	136.52
93006	HOT SPOT BROADBAND INC	3475P ADMIN		8/31/18	85744	10,429.99	15,296.23
		3475P FIRE		8/31/18	85744	4,866.24	
93007	HYATT, JEFFREY AARON	8/7 - 9/6 SERVICE		8/31/18	85863	190.00	272.50
93008	INNOVATIVE IMPRESSIONS	ST72 INTERNET SERVICE		8/31/18	85807	82.50	25.00
93009	IRON MOUNTAIN INFO MGT IN	18TR004001F MATHIS		8/31/18	85831	25.00	92.00
93010	IT1 SOURCE LLC	BUS CARD-RANSON/PARKER		8/31/18	85847	92.00	292.92
93011	JBP LLC	NT147/STOREY CO FLM STG		8/31/18	85820	292.92	581.79
		CHATSWORTH RACK		8/31/18	85808	1,670.57	2,295.36
		TOWER SWITCH		8/31/18	85808	2,295.36	1,333.67
		BACKUP HARD DRIVE		8/31/18	85808	1,302.35	286.30
		UPS IT CABINET		8/31/18	85808	177.08	7,647.12
		JAVS WAN FOR JC		8/31/18	85808	5.59	188.87
		ADOBE INDESIGN MELANIE K		8/31/18	85759	22.59	1,259.96
		FIBRE PATCH CABLES		8/31/18	85808	286.36	286.36
93012	JUDGE EDWARD R JOHNSON	FR42552 O RING		8/31/18	85759	15.92	15.92
93013	KANSAS CITY LIFE INS CO	FR63658 FILTR KIT		8/31/18	85759	263.90	263.90
93014	KIMBALL MIDWEST	FR63568 FITTING		8/31/18	85759	130.00	130.00
93015	L N CURTIS & SONS	PW48223 SHOE/BRAKE DRUM		8/31/18	85759	448.02	448.02
93016	LARSON, MARSHALL D. II	RETIREE LIFE INS/ADMIN		8/31/18	85742	2,300.00	2,300.00
93017	LIQUID BLUE EVENTS LLC	MISC HARDWARE		8/31/18	85758	12,000.00	12,000.00
93018	LIQUID BLUE EVENTS LLC	DIXON/ LONCAR H. FRONT		8/31/18	85784	25.00	25.00
93019	LUBISZEWSKI, BRIAN M.	WROTE FIRE CODE ADOPTIONS		8/31/18	85816	38.60	1,481.09
93020	MA LABORATORIES INC	SEPTEMBER RETAINER		8/31/18	85834	1,442.49	673.00
93021	MACKAY MANSION	CAMEL BANK		8/31/18	85835	35.00	638.00
93022	HENRY SCHEIN	18TR004001F MATHIS		8/31/18	85871	101.90	1,583.40
93023	MCDUGAL, RYLAN	USB HUB FOR TAMI IN JC		8/31/18	85809	1,481.50	25.00
93024	METRO OFFICE SOLUTIONS IN	IT STOCK/TRI PRESENTIN PC		8/31/18	85809	25.00	25.00
		8/10/18 - 8/23/18		8/31/18	85852	638.00	673.00
		AMB SUPPLIES		8/31/18	85852	101.90	1,583.40
		AMB SUPPLIES		8/31/18	85792	1,481.50	25.00
		15133CR/17089CR LYLE		8/31/18	85826	25.00	25.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

5.65

67.46

296.25

2,938.68

119.55

3,058.23

71.59

213.50

2.00

16.00

5,826.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

5.65

67.46

296.25

2,938.68

119.55

3,058.23

71.59

213.50

2.00

16.00

5,826.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

5.65

67.46

296.25

2,938.68

119.55

3,058.23

71.59

213.50

2.00

16.00

5,826.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

5.65

67.46

296.25

2,938.68

119.55

3,058.23

71.59

213.50

2.00

16.00

5,826.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

5.65

67.46

296.25

2,938.68

119.55

3,058.23

71.59

213.50

2.00

16.00

5,826.00

227.00

30.80

136.20

32.71

158.25

32.86

9.75

61.86

30.10

310.66

81.26

32,280.13

1,250.00

30.00

2,500.00

1,345.50

24.22

45.22

12.98

49.75

41.60

11.30

8.07

45.22

7.49

15.31

6.99

14.31

30.13

15.52

4.13

4.82

Report No: PB1315
Run Date : 08/30/18

STOREY COUNTY
CHECK REGISTER 8/31/18

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
93039	PUBLIC AGENCY TRAINING	STATION 75 MONITORING		8/31/18	85771	85.00	85.00
93040	QUIRK, KENNETH	FORENS PATHO - MENDOZA		8/31/18	85797	350.00	350.00
93041	RAIL EVENTS INC.	15133CR/17089CR LYLE		8/31/18	85830	605.46	605.46
93042	RED ROCK SPRING WATER	PEX RAIL EVENTS		8/31/18	85868	968.00	968.00
93043	RENO DRAIN OIL SERVICE	WATER FOR VISITOR CENTER		8/31/18	85841	150.00	150.00
93044	RENO TYOGRAHERS, INC	OIL DISPOSAL		8/31/18	85764	231.25	231.25
93045	ROWE & HALES, LLP	CEM GIN SHIRTS		8/31/18	85840	2,347.85	2,347.85
93046	SAFEGUARD WEB & GRAPHICS	JULY LEGAL SERVICES		8/31/18	85867	1,920.00	1,920.00
93047	SBC GLOBAL SERVICES IN LD	CEM GIN NAPKINS UNIFORM SHIRTS		8/31/18 8/31/18	85837 85823	1,129.99 252.00	1,381.99
		CLERK		8/31/18	85779	1.36	
		FIRE (VC)		8/31/18	85779	1.19	
		PUBLIC WORKS		8/31/18	85779	2.29	
		SHERIFF		8/31/18	85779	.64	
		SHERIFF		8/31/18	85779	5.12	
		FIRE/LOCKWOOD		8/31/18	85779	.12	
		COMMUNITY DEVELOPMENT		8/31/18	85779	12.70	
		ASSESSOR		8/31/18	85779	.06	
		CENTRAL DISPATCH		8/31/18	85779	10.35	
		DA		8/31/18	85779	.04	
		COMMISSIONER		8/31/18	85779	.18	
		FIRE (VC)		8/31/18	85779	2.03	
		VCTC		8/31/18	85779	20.53	56.61
93048	SHERMARK DISTRIBUTORS INC	INMATE MILK		8/31/18	85798	112.00	
93049	SHOAF, BRIAN ALLEN	INMATE MILK		8/31/18	85798	112.00	224.00
93050	SIERRA ENVIRONMENTAL	8/10/18- 8/23/18		8/31/18	85855	42.00	42.00
		COLIFORMS P ST		8/31/18	85766	60.00	
		COLIFORMS P ST		8/31/18	85766	60.00	
		BOD5,PH,TTL SOLIDS		8/31/18	85766	148.00	268.00
93051	SIERRA FIRE PROTECTION LL	SERVICE LOCKWOOD CENTER		8/31/18	85817	62.60	
		EXSTI MAINT		8/31/18	85802	42.00	104.60
93052	SIERRA PACIFIC POWER CO	10010 E US HWY 50 PWRPED1		8/31/18	85864	42.11	
		VIRGINIA CITY ST LIGHTS		8/31/18	85767	865.69	
		SC COMMISSIONERS ST LIGHT		8/31/18	85767	109.55	
		2610 CARTWRIGHT PUMPHSE		8/31/18	85767	32.32	
		431 CANYON WAY ST 4		8/31/18	85767	304.31	
		2612 CARTWRIGHT RD RES		8/31/18	85767	188.80	
		145 N C ST UNIT		8/31/18	85767	120.37	
		381 N C ST RESTSTOP		8/31/18	85767	42.18	
		130 TOLL RD BLDG		8/31/18	85767	42.15	
		110 TOLL RD BLDG		8/31/18	85767	257.68	
		100 TOLL RD SHOP 1/2		8/31/18	85767	311.11	

CHECK
NUMBER

VENDOR

INVOICE DESCRIPTION

P/O #

DATE

TRANS#

AMOUNT

201 S C ST DA	8/31/18	85767	122.29
203 S C ST SO	8/31/18	85767	111.55
205 S C ST SO	8/31/18	85767	191.59
911 US HWY 341 JAIL	8/31/18	85767	218.00
490 SAM CLEMENS PARK	8/31/18	85767	19.71
100W SOUTH ST WTR PLNT	8/31/18	85767	2,096.90
21 S C ST GASLMO	8/31/18	85767	145.83
500 SPANIAL RAVINE RD "V"	8/31/18	85767	36.25
205 N E ST VC PARK	8/31/18	85767	32.55
SUTTON ST	8/31/18	85767	31.86
104 S B ST GARAGE	8/31/18	85767	32.32
S C ST UNIT VC/372 C ST	8/31/18	85767	46.18
S C ST OUTDOOR/PAL LIGHT	8/31/18	85767	34.32
S C ST UNIT VC	8/31/18	85767	207.12
CARSON ST BALLPARK	8/31/18	85767	63.16
N C ST FIREHS	8/31/18	85767	404.92
141 N C ST (TRAINING)	8/31/18	85767	94.25
MAIN ST UNIT GH DEPOT	8/31/18	85767	42.62
2220 SIX MILE CANYON	8/31/18	85767	1,229.05
26 S B ST COURTHOUSE	8/31/18	85767	1,325.29
176 N C ST LIGHTS	8/31/18	85767	64.21
342 S C ST LIGHTS	8/31/18	85767	95.77
531 S C ST LIGHTS	8/31/18	85767	103.95
800 PERI RANCH RD	8/31/18	85767	244.22
1705 PERU DR	8/31/18	85767	1,443.61
185 N C ST	8/31/18	85767	55.95
420 CANYON WAY UNIT B	8/31/18	85767	247.18
420 CANYON WY UNIT A	8/31/18	85767	208.51
2141 EMPIRE RD VCH PARK	8/31/18	85767	32.32
1000 PERI RANCH RD PARK	8/31/18	85767	33.44
UNION ST COTTAGE	8/31/18	85767	26.13
12 N B PIPERS	8/31/18	85767	483.02
160 UNION ST/ B OF A	8/31/18	85767	71.73
TOWN OF GH STR LIGHTS	8/31/18	85767	97.04
100 TOLL RD PED(FOUNTAIN)	8/31/18	85767	614.41
2610 CARTWRIGHT FIREHSE	8/31/18	85767	158.41
GHDEPOT PEST CONTROL	8/31/18	85842	55.00
AUGUST PEST CONTROL	8/31/18	85799	150.00
ELEVATOR SIGN	8/31/18	85740	70.00
INMATE PRESCRIPTIONS	8/31/18	85800	38.81
CEM GIN FOR VISIT CENTER	8/31/18	85844	412.70
CEM GIN FOR VISOT CENTER	8/31/18	85844	800.64
FIRE ASSIGN LODGING REIM	8/31/18	85803	144.48
	8/29/18	85876	19,310.22
DA 08/20/18 - 09/19/18	8/31/18	85765	67.86
SO BIZ 2/3 08/20 -09/19	8/31/18	85765	135.71
JAIL 08/20/18 - 09/19/18	8/31/18	85765	94.84
TRI FIRE 08/20 - 09/19/18	8/31/18	85765	290.21
TRI PWRK 08/20 - 09/19/18	8/31/18	85765	557.91

93053 SIERRA PEST CONTROL INC

12,781.93

93054 SLICK INDUSTRIES LLC DBA

205.00

93055 SMITHS FOOD & DRUG CENTER

70.00

93056 SOUTHERN GLAZERS WINE & S

38.81

93057 SPELTZ, JASON

1,213.34

93058 ST CO TREASURER

144.48

93059 STAR2STAR COMMUNICATIONS,

19,310.22

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
93060	SUN PEAK ENTERPRISES	8/10/18 - 8/23/18		8/31/18	85856	1,330.00	1,146.53
				8/31/18	85856	21.00	
				8/31/18	85856	105.00	1,456.00
93061	TERRY, SHIRLEY	8/10/18 - 8/23/18		8/31/18	85857	2,076.00	
				8/31/18	85857	112.00	2,188.00
93062	THALMAN, RHODA KEALOHA	NIGHTMARE DIRECTOR		8/31/18	85861	1,250.00	1,250.00
93063	THATCHER COMPANY	DEPOSIT REFUND		8/31/18	85774	47.00-	
		PURE CHLOR		8/31/18	85774	183.26	136.26
93064	THE TOMBSTONE COWBOYS LLC	8/10/18 - 8/23/18		8/31/18	85858	1,266.00	
				8/31/18	85858	140.00	
				8/31/18	85858	204.00	1,610.00
93065	THERMATEMP	AC & DRAIN MAINT		8/31/18	85801	160.00	160.00
93066	THOMAS PETROLEUM LLC	CHEV SW30, DELO 15W40		8/31/18	85775	1,477.56	
		PW REG 520 / DSL 145		8/31/18	85775	1,761.37	
		PW REG 500/ DSL 300		8/31/18	85775	2,165.69	
		VCH REG 174/ DSL 1		8/31/18	85775	492.68	5,897.30
93067	TIMELY TESTING LTD	FEE RANDOM COLLECTION		8/31/18	85737	110.00	110.00
93068	TRUCKEE MEADOWS WATER SYS	WATER COOLER LOCKWOOD		8/31/18	85785	4.56	
		WATER COOLER LOCKWOOD		8/31/18	85785	49.95	
		WATER COOLER LOCKWOOD		8/31/18	85785	71.66	126.17
93069	TYLER TECHNOLOGIES, INC	BRAZOS BATTERY		8/31/18	85846	6,491.77	
				8/31/18	85846	6,123.09	12,669.86
				8/31/18	85804	55.00	
93070	UNITEDHEALTHCARE INS CO	RETIREE DENTAL ADMIN		8/31/18	85743	1,142.71	1,142.71
93071	USA CASH SERVICES MGT INC	GARNISHMENT DISBURSED		8/31/18	85805	252.20	252.20
93072	V & T ROCK, INC	RIP RAP		8/31/18	85776	150.53	
		P ST BASE		8/31/18	85776	1,083.30	
		WASHED SAND		8/31/18	85776	576.06	1,809.89
93073	VCTC	LUNCH MTG WITH A. PERRY		8/31/18	85833	36.00	
		FRIDGE FOR VISIT CENTER		8/31/18	85833	132.98	
		KD RTT LUNCH MEETING		8/31/18	85833	20.00	
		HOT AUGUST NIGHT LICENSES		8/31/18	85833	20.00	
		RALLY AMERICA DOCENT		8/31/18	85833	50.00	
		RSCVA FAM DOCENT		8/31/18	85833	50.00	308.98
93074	VIRGINIA & TRUCKEE RR CO	8/10/18 - 8/23/18		8/31/18	85860	33.00	
				8/31/18	85860	3,520.00	
				8/31/18	85860	310.00	3,863.00
93075	VIRGINIA CITY HIGHLANDS			8/30/18	85877	10,000.00	10,000.00
93076	WATERS SEPTIC TANK SV DBA	GH SEPTIC 3000		8/31/18	85777	740.00	

Report No: PB1315
Run Date : 08/30/18

CHECK
NUMBER

VENDOR

93077 WEDCO INC

93078 WESTERN NEVADA SUPPLY CO

93079 WESTERN NEVADA SUPPLY CO

93080 WILLAMAN, GABRIEL

STOREY COUNTY
CHECK REGISTER 8/31/18

INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
INCINERATOR CORD		8/31/18	85778	303.35	303.35
WATER PIPE		8/31/18	85812	925.20	
WATER TIE-IN		8/31/18	85812	202.27	
WATER METERS		8/31/18	85812	61.64	1,189.11
DEPOT TOILETS		8/31/18	85875	2,454.71	2,454.71
JULY MAINTENANCE		8/31/18	85866	4,570.00	
INCIDENT REPAIRS		8/31/18	85874	1,350.00	5,920.00
				CHECKS TOTAL	254,796.49

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

CHECKS TOTAL 254,796.49 CHECK DATE 8/31/18

-----	-----
COMPTROLLER	-----
-----	-----
TREASURER	-----
-----	-----
CHAIRMAN	-----
-----	-----
COMMISSIONER	-----
-----	-----
COMMISSIONER	-----



TRIC

Effluent Pipeline

Presentation

August 2018



Prepared by
JNA Consulting Group, LLC



Proposed Project

- Developer proposes to fund the off-site effluent pipeline with bonds issued by Storey County paid from assessments on their parcels (Special Assessment District or SAD)
- Onsite distribution and treatment facilities will be privately financed by the developer
- The County would also form a Tax Increment Area (TIA) to reimburse parcel owners for the assessment payments they make.





Assessment Districts

- Allowed under NRS 271
- Assessments are liens on property co-equal to property taxes
- Nonpayment of assessment would lead to foreclosure proceedings
- Assessments are billed and collected semiannually
- Interest rate on assessments is 1% higher than the highest rate on the bonds
- Assessments can be levied for a term of up to 30 years
- Value of property with project complete must be at least 3.5x's the assessment





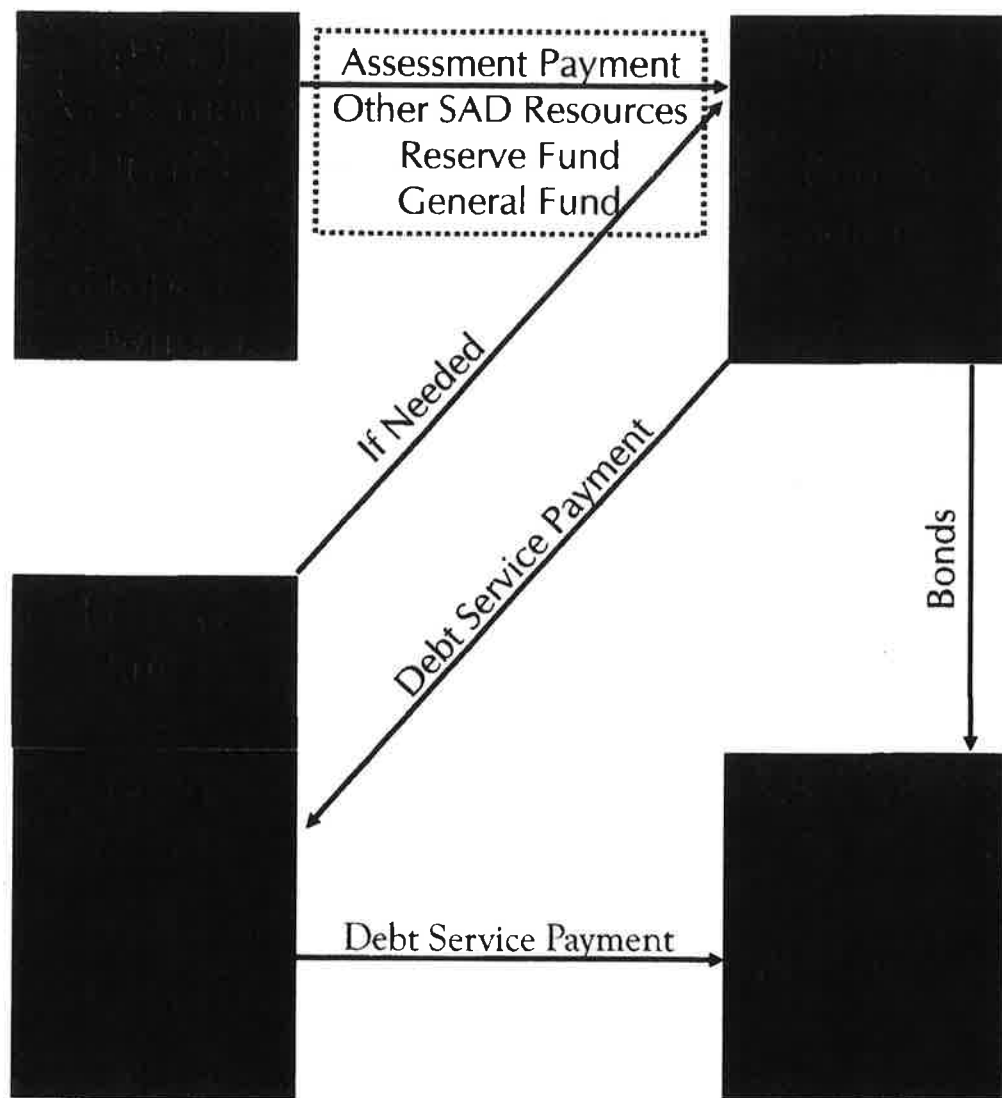
Proposed Bonds

- Bonds would be issued by Storey County and purchased by the State of Nevada
- State's interest rate is passed through to the County's bonds
- The bonds are paid from:
 - Assessment payments
 - Other resources within SAD
 - Reserve Fund
 - Uncommitted portion of County General Fund (6/30/19 estimate - \$2,800,000)
- Maximum term is 30 years (guidelines state 20 years but developer has requested 25 years)





SAD Flowchart





Foreclosure

Delinquency and Foreclosure Procedures

- | | |
|---|--|
| ➤ Semi-Annual Assessment Bill (e.g. due 6/1) | Mailed approximately 60 days prior to due date |
| ➤ First Delinquent Bill (mailed 6/5) | Mailed approximately 4 days after semi-annual due date |
| ➤ County Commissioners (within 60 days) | Adoption for Foreclosure Resolution |
| ➤ Second Delinquent Bill (mailed 7/1) | Mailed certified including First Demand Letter |
| ➤ Third Delinquent Bill (mailed 8/1) | Mailed certified including Second Demand Letter |
| ➤ Lot Books (performed 8/1) | Lot book (title search) is done on each delinquent parcel in order to identify all lien holders to notice |
| ➤ Notice of Sale (mailed 1 st week of September) | Mailed certified to all recorded parties with an interest, 3 weekly publications prior to sale in local paper |
| ➤ Foreclosure Sale: September | Buyer pays off assessment in full and receives certificate. Buyer can take title to property if the certificate is not redeemed within the statutory time limit. |





Tax Increment Area

- The TIA would be formed solely to reimburse parcel owners for their assessment payments
- Current revenue distribution stays in place – only future, incremental revenues are diverted
- Revenues included are:
 - Property taxes
 - Modified Business Taxes
 - Sales Tax





Future Commission Action

If the project is approved to proceed the following items would be on future agendas for consideration:

- 8/21 – TIA Resolution for the provisional order
- 9/4 – SAD Creation Ordinance, Financing Agreement and Interlocal Agreement
- 9/18 – SAD Creation Ordinance
- 10/2 – TIA Creation Ordinance and SAD Bond Ordinance
- 10/16 – TIA Creation Ordinance and SAD Bond Ordinance





2018

ECONOMIC DEVELOPMENT FINANCING PROPOSAL

Tahoe Reno Industrial Center Effluent Water Pipeline

Preliminary Draft | For Discussion Purposes Only

Special Note: This Economic Development Financing Proposal has been prepared in a manner consistent with preliminary guidance provided by Governor's Office of Economic Development ("GOED"). Storey County, TRI General Improvement District, its partners and contractors would like to express thanks to GOED and other state and local government representatives, without whom, this proposal could not have been completed.

Application requirements and project financing estimates have been completed to the best of our knowledge and ability as of the date of this submittal. This having been said, we are mindful that this proposal is part of a process, and we reserve the right to amend or modify this proposal should GOED determine that such revisions are necessary and appropriate to ensure that the state and all interested parties have the information necessary to consider, and potentially approve, this proposal.

This document includes forward-looking statements. While the underlying analyses rely on best available information at the time of submittal, the future remains uncertain and can be influenced by any number of local, regional, national and international factors. These limitations and others cited throughout this application should be carefully considered by all reviewers.

Contents

Section 1: Executive Summary.....	1
1.01: GOED Infrastructure Project & Process Overview	1
1.02: Legal Authority	4
1.03: EDFP Applicant.....	4
1.04: Infrastructure General Parameters.....	6
Section 2: The Qualified Project.....	7
2.01: GOED Board Determination of Qualified Project	7
2.02: Tesla as Lead Participant.....	7
2.03: Project Description	9
Section 3: Proposed Infrastructure Project	11
3.01: Market Research & Plan	11
3.02: Traffic Analysis.....	11
3.03: Infrastructure Project Information.....	11
3.04: Infrastructure Project Maps, Plans, and Schedules	14
3.05: Updated Infrastructure Facility Budgets	16
3.06: Updated Infrastructure Facilities Development and Construction Maps, Plans, and Schedules	16
3.07: Project Readiness.....	17
3.08: Master Infrastructure Plans and Cost Estimates	17
Section 4: Proposed Infrastructure Project Financing	19
4.01: Overview of Project Financing	19
4.02: Special Assessment District (NRS 271)	21
4.03: Tax Increment Area ("TIA") (NRS 278C).....	24
4.04: Bond Issuance	25
4.05: Bond Repayment Methods.....	26
Section 5: Infrastructure Project Financial Analysis.....	29
5.01: Development Budget.....	29
Section 6: Economic Development Financing Agreement	32
6.01: Contracting Overview.....	32
6.02: Financing Agreement.....	33
6.03: Infrastructure Agreement	33
6.04: Reimbursement Agreement	33
6.05: Qualified Project Security Agreement	33
6.06: Development Agreement	33
6.07: State Release	33
6.08: Management and Operations Agreement.....	33
6.09: Interlocal Agreements	33
6.10: Development and Construction Insurance Plan	33
6.11: Prevailing Wage Applicability Opinion.....	33
Exhibits	34

Section 1: Executive Summary

1.01: GOED Infrastructure Project & Process Overview

1.01(a): Project Overview

The Tahoe Reno Industrial Center ("TRIC" or "TRI Center") is a significant business park located within Storey County in the northern portion of the state of Nevada. The park itself has approximately 12,700 acres of development property within its industrial complex. TRIC is conveniently located approximately nine miles east of the Reno-Sparks area along Interstate-80. TRI Center is accessible by both highway and rail, and the Reno-Tahoe International Airport is a relatively modest drive from the center. The project has been seeded with major investments by a number of firms ranging from some of the most technologically advanced companies in the world to large-scale manufacturing, distribution and online retailers.

TRIC is home to Tesla, Inc.'s Gigafactory 1,¹ which broke ground in June 2014, and Tesla manufactures vehicle products and energy storage products at this facility. TRI Center is also home to Switch, a globally recognized leader in future-proof data center design, superscale cloud, unparalleled telecom gateways and energy sustainability. The Switch campus, also known as The Citadel Campus, is designed for up to 7.2 million square feet of data center space and up to 650 megawatts of power. The 2,000-acre campus is located near the Tesla Gigafactory and is powered by 100-percent renewable energy. In addition to the investments that have already been made, other participants of the project have acquired land and are exploring future development opportunities. Google, a wholly-owned subsidiary of Alphabet, Inc., is a world leader in technology. Google has acquired significant land at TRIC and is studying opportunities to develop its property in the future. Blockchains, LLC, a technology company that recently became the largest landowner at TRIC, intends on developing significant operating facilities within the park to showcase the vast capabilities of blockchain technology. Reno Land is a development company focused primarily on commercial development activity at TRI Center. Finally, Emerald City Empire, LLC is a development company with potential plans for a retail and business park located within TRI Center.

In addition to major anchor tenants noted above, existing and future tenants within TRIC require a stable, predictable and sustainable operating environment. A key element of the required infrastructure includes non-potable water for operations. Large amounts of non-potable water for industrial uses ("Process Water") are needed at TRIC.

To meet the needs of users within TRI Center, the developers have implemented a multi-faceted approach to address overall water demand within the project. Notably, TRIC is located ± 13 miles downriver from the Truckee Meadows Water Reclamation Facility ("TMWRF"), which is owned by the City of Reno and the City of Sparks ("the Cities") and provides centralized wastewater treatment for residents of Truckee Meadows. To meet National Pollutant Discharge Elimination System standards, TMWRF must achieve a complex balance between treatment plant processes, effluent reuse, water rights requirements, Truckee River water quality standards and numerous other interrelated, regional water management objectives.

Given the strategic positioning of TRI Center relative to the TMWRF and the needs of TRIC's tenants, the objective of this financing proposal is to develop a ± 13 -mile effluent water pipeline from TMWRF to TRIC, as well as a number of storage, advanced treatment and transmission components at TRIC. The entire project will be known as the "Effluent Project"; the pipeline from TMWRF to TRIC as the "off-site Effluent Project" and the on-site improvements as the "on-site Effluent Project". Only the off-site Effluent Project will be considered for financing as part of an Economic Development Financing Proposal ("EDFP").²

¹ Tesla, Inc. is referred to in this document as "Tesla".

² Note, Tesla is identified as the "Qualified Project" pursuant to NRS 360.940 for purposes of this EDFP.

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



Increased availability of Process Water at TRI Center from the Effluent Project is expected to resolve short and long-term load and capacity issues for TMWRF, improve water quality in the Truckee River and facilitate continued major future economic development benefitting all of northern Nevada, including the neighboring cities.

It is also worth noting that the TRI General Improvement District ("TRIGID") is a general improvement district and political subdivision of the State of Nevada created by Storey County pursuant to Nevada Revised Statutes "NRS" Chapter 318 to provide water and sewer service to TRI Center customers. It currently provides service to 91 industrial and commercial properties and 276 service connections. Like similar government entities providing community services, TRIGID does not make a profit, but it does currently cover its expenses with revenues generated from TRIGID customer usage fees. TRIGID does not, and will not as a result of the Effluent Project, discharge treated effluent water in the Truckee River, significantly enhancing TMWRF's ability to meet total maximum daily loading discharge standards. TRI Center expects that the demand for Process Water will increase substantially as Tesla, Switch, Google, Blockchains and other TRIGID customers complete construction and operate their respective facilities.

TRIGID currently holds water rights for use as Process Water (Truckee River water rights, groundwater rights and effluent from the TRIGID wastewater treatment plant). These sources are sufficient to supply Process Water until the Effluent Project is completed and operational. The addition of TMWRF effluent water to the TRIGID Process Water system will enable future economic development opportunities for northern Nevada by companies requiring Process Water.

TRIGID is expected to operate and maintain, at its expense, the Effluent Project. Neither the Cities nor Storey County shall bear any responsibility for any costs to operate or maintain TRIGID facilities. Compliance with all applicable laws and regulations governing the use of treated effluent and all required reporting of such usage shall be the sole responsibility of TRIGID.

The plan of finance for the off-site improvements involves the issuance of debt, as permitted by Senate Bill 1 ("SB1") of the 2015 Special Session of the Nevada Legislature (NRS 360.981 to NRS 360.992). The request is straightforward. Selected landowners agree to self-assess the cost of the off-site Effluent Project by way of a special assessment district ("SAD") to support approximately \$35 million in bonds for the development of the off-site Effluent Project. The SAD bonds will be sourced to infrastructure bonding capacity allocated to the Governor's Office of Economic Development ("GOED") for economic development purposes. The \$35 million off-site Effluent Project bond financing is also expected to comply with Storey County's SAD guidelines (as approved at the February 6, 2018 County Commission meeting). In addition to the financing of the off-site Effluent Project, Storey County will create a tax increment area pursuant to Senate Bill 442 ("SB442") of the 2017 Session of the Nevada Legislature that will allow for a cumulative reimbursement up to an amount equivalent to the debt service, including principal and interest, of the off-site Effluent Project SAD financing.

In addition to the off-site Effluent Project, the SAD participants intend to privately finance (either directly or through a third-party) the on-site Effluent Project. The on-site Effluent Project is expected to be segmented into two individual phases. The first phase focuses on common infrastructure shared among the SAD participants, and it will include water transmission and storage infrastructure, including wells and a reservoir. This first phase of the on-site Effluent Project is estimated to cost approximately \$30 million. In addition to this phase of the project, selected water users require more advanced water treatment to generate water suitable for use in their operations. This second phase of the on-site Effluent Project is estimated to cost between \$35 million and \$85 million, depending on the number of participants, the technology employed and the costs associated with a potential third-party operator of these facilities. The combined cost of the total Effluent Project is expected to range from \$100 million to \$150 million.

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



The following provides a summary of the total capital requirements for the Effluent Project.

Phase	Description	Estimated Cost	Source of Financing
Off-site Effluent Project	±13-mile pipeline to TRIC	±\$35 Million	SAD bonds through GOED's infrastructure bonding capacity
On-site Effluent Project: Phase 1	Common infrastructure shared among SAD participants (water transmission and storage infrastructure, including wells and reservoir)	±\$30 Million	Private financing sourced to SAD participants or third-party (responsibility of SAD participants)
On-site Effluent Project: Phase 2	Advanced water treatment facilities to the meet the specifications of selected SAD participants	±\$35 Million to ±\$85 Million	Private financing sourced to selected SAD participants or third-party (responsibility of selected SAD participants)
Total Effluent Project		±\$100 Million to ±\$150 Million	

1.01(b): EDFP Process

The EDFP Process is outlined in sections 19-29 of SB1 of the 2015 Special Session of the Nevada Legislature and amended by SB442 of the 2017 Regular Session of the Nevada Legislature.

1.01(c): EDFP date received

GOED received an initial EDFP on June 30, 2017 ("Initial EDFP"). Since then, selected project and financing elements have been modified and this EDFP reflects the most recent project structure. Assuming the process moves forward as planned, Storey County is expected to consider (and possibly approve) the EDFP on August 6, 2018 and direct staff to submit to GOED in advance of a possible August 14, 2018 special meeting of the GOED board of directors for review (and possible approval). Note, a draft of the EDFP document (subject to Storey County's review and feedback) is expected to be provided in advance for review by GOED staff.

1.01(d): EDFP date completed

This EDFP will be deemed complete if, and when, approved by the Governor's Office of Economic Development.

1.01(e): State Treasurer's determination of debt capacity

To be determined by GOED and State Treasurer.

1.01(f): Review period start date

The review period of the Initial EDFP began in mid-2017. Additional review is expected to begin upon receipt of the revised EDFP draft.

1.01(g): Review period expiration date

Intentionally left blank.

1.02: Legal Authority

1.02(a): GOED Authority

The Governor's Office of Economic Development is granted authority to approve an EDFP pursuant to SB1 of the 2015 Special Session of the Nevada Legislature.³ The State Board of Finance is granted authority issue bonds for certain infrastructure projects.

1.02(b): Constitutional Authority

Article 9, Section 3 of the Constitution of the State of Nevada permits the state to contract public debts, given those debts are authorized by law for some purpose to be distinctly specified.

1.02(c): Applicable Nevada Revised Statutes

NRS 271, NRS 278C (as amended by SB442), NRS 349, NRS 350, NRS 360.

1.03: EDFP Applicant

1.03(a): EDFP Applicant

1.03(a)(i): Project Team

The infrastructure project team consists of Storey County, TRIGID, Farr West Engineering, Tesla, Switch, Google, Blockchains, Reno Land, and Emerald City Empire, LLC.

Storey County

Created in 1861, Storey County is a political subdivision of the State of Nevada. Located in the northwest portion of the state, Storey County is home to the TRI Center.

TRIGID

TRIGID has owned and operated the community water and sewer systems at TRI Center since 2001. Pursuant to state law, TRIGID is governed by a Board of Trustees who are elected or appointed. TRIGID has no debt, since all water and sewer infrastructure has been built and dedicated by TRI.

Farr West Engineering

District engineering and project management for TRIGID are performed by Farr West Engineering. Farr West currently performs similar work for a number of small water and sewer purveyors in Northern Nevada, including Storey County, Yerington, Carlin, Canyon GID, Kingsbury GID, Lovewood, Hawthorne, Silver Springs Water Company and Lyon County. Farr West was chosen to perform site selection and design of Reno's Valley Road Lift, the largest in the city, as well as manage the city's 2014 Sewer Rehabilitation Project.

³ See NRS 360.981 to NRS 360.992.

Tesla

Tesla has constructed its Gigafactory 1 in the TRI Center. Currently utilizing around 5,500,000 square feet of operational space, this project with a footprint of 1.9 million square feet, making it one of the largest buildings in the world.

Switch

Switch owns and operates data centers around the world, including those at TRI Center. The build-out of its footprint at its data center campus at TRI Center is expected to include over 7,000,000 square feet of building space, requiring significant amounts of Process Water for cooling purposes.

Google

Google is a world-leading technology company and more. Google has acquired land within TRI Center with the intention of developing facilities to support its mission and operations; the facilities require significant amounts of Process Water for cooling and other purposes.

Blockchains

Blockchains, LLC is a technology firm at the forefront of one of the most revolutionary innovations since the advent of the internet, blockchain distributed ledger technology. The development of Blockchain LLC's corporate campus and other hi-tech facilities that the company plans to develop at the park, along with the necessary supporting infrastructure, will require Process Water for operations.

Reno Land

Reno Land Inc. is a residential and commercial development firm with land holdings in Storey County that is focused on the northern Nevada community. The company's plans require Process Water for future use.

Emerald City Empire

Emerald City Empire, LLC owns property located within the "town center" in TRI Center and is considering plans to develop commercial uses to support the wide ranges of uses in the park.

1.03(a)(ii): Project Lead

Storey County is the lead applicant for the EDFP. TRIGID will lead the project team for construction of the off-site Effluent Project, with Farr West Engineering acting as project manager.

1.03(b): Authorizing Support from Storey County Commission

The project plan of finance and EDFP will be considered for approval by the County Commission on August 7, 2018.

1.03(c): Storey County Commission

The Storey County Commission is comprised of three elected officials. The County Commission members serve a 4-year term and are elected by voters residing in the entire county. The commission serves as the county's local governing body creating and monitoring the county's budget, tax rates, and ordinances.

1.03(d): Financial Statements of EDFP Applicant

Storey County's Comprehensive Annual Financial Statement for 2017 is included in Exhibit A. However, pursuant to NRS 360.990(3)(A)(4) only the uncommitted portion of the County's General Fund balance is available for repayment on the bonds and will only be used if the other sources of repayment are insufficient.

1.03(e): Statement of financing need

Pending. To be provided.

1.04: Infrastructure General Parameters

1.04(a): Infrastructure Project acreage

The infrastructure project consists of a \pm 13-mile pipeline with an 11,600 square foot area for a pump station, which will contain a 1,200 square foot building

1.04(b): Types of service area land uses approved at time of EDFP submittal

Parcels in the Project Area are zoned for industrial and commercial use.

1.04(c): Additional land uses planned not already zoned

Additional land uses are planned in TRI Center, but not yet zoned for industrial or commercial uses.

1.04(d): Leasable improved space by land use type served by Infrastructure

The infrastructure will serve the TRI Center as shown in Exhibit B attached.

1.05(e): Total improved space served by Infrastructure

The infrastructure will serve the TRI Center as shown in Exhibit B attached.

Section 2: The Qualified Project

2.01: GOED Board Determination of Qualified Project

2.01(a): Notice

Notice of qualified project status is included in Exhibit C attached.

2.01(b): State Incentive Summary

The State Incentives are outlined in Exhibit C attached.

2.01(c): State Economic Impact Report

The State economic impact report is included in Exhibit D attached.

2.01(d): State Certificates of Eligibility

The State certificates of eligibility are included in Exhibit C attached.

2.02: Tesla as Lead Participant

2.02(a): Company History

Tesla designs, develops, manufactures and sells high-performance fully electric vehicles, and energy generation and storage systems, and also installs and maintains such systems and sells solar electricity. Tesla is the world's only vertically integrated sustainable energy company, offering end-to-end clean energy products, including generation, storage and consumption. Tesla has established and continues to grow a global network of stores, vehicle service centers and Supercharger stations to accelerate the widespread adoption of Tesla's products, and Tesla continues to develop self-driving capability in order to improve vehicle safety. Tesla's sustainable energy products, engineering expertise, intense focus to accelerate the world's transition to sustainable energy, and business model differentiate Tesla from other companies.

Tesla currently produces and sells three fully electric vehicles, the Model S sedan, the Model X sport utility vehicle ("SUV") and the Model 3 sedan. All of Tesla's vehicles offer high performance and functionality as well as attractive styling.

Tesla commenced deliveries of Model S in June 2012 and has continued to improve Model S by introducing performance, all-wheel drive dual motor, and autopilot options, as well as free over-the-air software updates. Tesla commenced deliveries of Model X in September 2015. Model X offers seating for up to seven people, all-wheel drive, and Tesla's autopilot functionality. Tesla commenced deliveries of Model 3, a lower priced sedan designed for the mass market, in July 2017 and continues to ramp its production.

Tesla also intends to bring additional vehicles to market in the future, including trucks and an all-new sports car. The production of fully electric vehicles that meets consumers' range and performance expectations requires substantial design, engineering, and integration work on almost every system of Tesla's vehicles. Tesla's design and vehicle engineering capabilities, combined with the technical advancements of Tesla's powertrain system, have enabled Tesla

to design and develop electric vehicles that Tesla believes overcome the design, styling, and performance issues that have historically limited broad adoption of electric vehicles.

Tesla sells the vehicles through Tesla's own sales and service network which Tesla is continuing to grow globally. The benefits Tesla receives from distribution ownership enables Tesla to improve the overall customer experience, the speed of product development and the capital efficiency of Tesla's business. Tesla is also continuing to build the network of Superchargers and Destination Chargers in North America, Europe and Asia to provide both fast charging that enables convenient long-distance travel as well as other convenient charging options.

In addition, Tesla is leveraging the technological expertise in batteries, power electronics, and integrated systems to manufacture and sell energy storage products. In late 2016, Tesla began production and deliveries of the latest generation energy storage products, Powerwall 2 and Powerpack 2. Powerwall 2 is a 14 kilowatt hour (kWh) home battery with an integrated inverter. Powerpack 2 is an infinitely scalable energy storage system for commercial, industrial and utility applications, comprised of 210 kWh (AC) battery packs and 50 kVa (at 480V) inverters.

Similar to Tesla's electric vehicles, the energy storage products have been developed to receive over-the-air firmware and software updates that enable additional features over time.

Finally, Tesla sells and leases solar systems (with or without accompanying energy storage systems) to residential and commercial customers and sells renewable energy to residential and commercial customers at prices that are typically below utility rates. Since 2006, Tesla has installed solar energy systems for hundreds of thousands of customers. Tesla's long-term lease and power purchase agreements with Tesla's customers generate recurring payments and create a portfolio of high-quality receivables that Tesla leverages to further reduce the cost of making the switch to solar energy. The electricity produced by Tesla's solar installations represents a very small fraction of total U.S. electricity generation. With tens of millions of single-family homes and businesses in Tesla's primary service territories, and many more in other locations, Tesla has a large opportunity to expand and grow this business.

Tesla manufactures the vehicle products primarily at the facilities in Fremont, California, Lathrop, California, Tilburg, Netherlands and at Gigafactory 1 near Reno, Nevada. Tesla manufactures the energy storage products at Gigafactory 1 and the solar products at the factories in Fremont, California and Buffalo, New York (Gigafactory 2).

2.02(b): Executive Team

Elon Musk has served as our Chief Executive Officer since October 2008 and as Chairman of our Board since April 2004. Mr. Musk has also served as Chief Executive Officer, Chief Technology Officer and Chairman of Space Exploration Technologies Corporation, a company which is developing and launching advanced rockets for satellite, and eventually human, transportation ("SpaceX"), since May 2002, and served as Chairman of the Board of SolarCity Corporation, a solar installation company ("SolarCity"), from July 2006 until its acquisition by us in November 2016. Mr. Musk is also a founder of The Boring Company, an infrastructure company, and Neuralink Corp, a company focused on developing brain-machine interfaces. Prior to SpaceX, Mr. Musk co-founded PayPal, an electronic payment system, which was acquired by eBay in October 2002, and Zip2 Corporation, a provider of Internet enterprise software and services, which was acquired by Compaq in March 1999. Mr. Musk holds a B.A. in physics from the University of Pennsylvania and a B.S. in business from the Wharton School of the University of Pennsylvania.

Jeffrey B. Straubel has served as our Chief Technology Officer since May 2005 and previously served as our Principal Engineer, Drive Systems from March 2004 to May 2005. Prior to joining us, Mr. Straubel was the Chief Technical Officer and co-founder of Volacom Inc., an aerospace firm which designed a specialized high-altitude electric aircraft platform, from 2002 to 2004. Mr. Straubel holds a B.S. in energy systems engineering from Stanford University and a M.S. in engineering, with an emphasis on power electronics, microprocessor control and energy conversion, from Stanford University.

Deepak Ahuja has served as our Chief Financial Officer since March 2017, and also previously served as our Chief Financial Officer from July 2008 to November 2015. Prior to joining us in July 2008, Mr. Ahuja served in various positions at Ford Motor Company from August 1993 to July 2008, most recently as the Vehicle Line Controller of Small Cars Product Development from July 2006 to July 2008, and as Chief Financial Officer for Ford of Southern Africa from February 2003 to June 2006. Mr. Ahuja also served as the Chief Financial Officer for Auto Alliance International, a joint venture between Ford and Mazda, from September 2000 to February 2003. Mr. Ahuja also served as a director of FireEye, Inc. from September 2015 to September 2017. Mr. Ahuja holds an M.S.I.A. (which was subsequently redesignated as an M.B.A.) from Carnegie Mellon University, a M.S. in materials engineering from Northwestern University and a Bachelor's degree in ceramic engineering from Banaras Hindu University in India.

2.02(c): Capital Investment Plan

Tesla and partners have invested and plan to invest for a total of at least \$5.0 billion dollars in building and equipment for the Gigafactory 1 project.

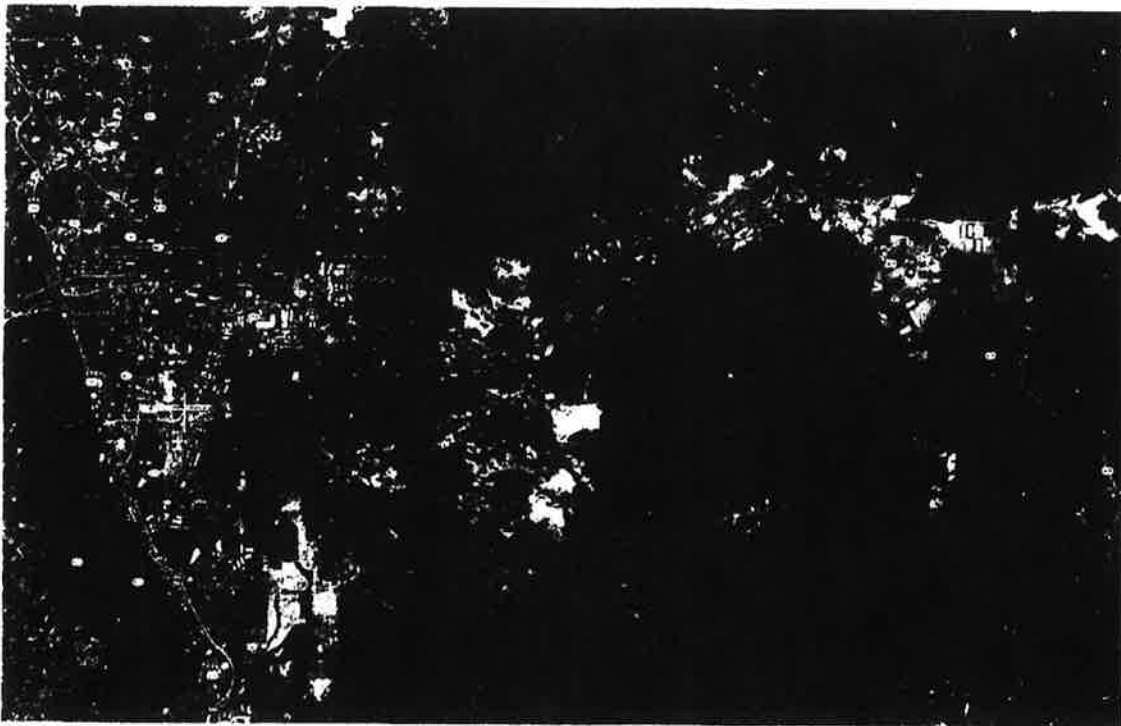
2.02(d): Project Financing Plan

Tesla and partners have used non-municipal financing for the Gigafactory 1 project.

2.03: Project Description

2.03(a): Site Location

Tesla's Gigafactory 1 is located on Electric Avenue in the TRI Center, more specifically parcels 005-091-17; 005-091-18; 005-091-29; 005-091-42; 005-091-44; 005-091-45; 005-091-47; 005-091-49; 005-091-52; 005-011-21; 005-011-22; 005-011-24; 005-011-26; 005-111-48. The following map depict the general location of the site.



2.03(b): Facility Plan

Tesla manufactures vehicle products and energy storage products at the Gigafactory.

2.03(c): Other Participants

Tesla has strategic supplier relationships with a presence at the Gigafactory.

Section 3: Proposed Infrastructure Project

3.01: Market Research & Plan

3.01(a): Current and projected area market demand and supply

Future demand will largely be driven by the needs of the participants of the SAD. The participants have agreed to a self-assessment for the development of the off-site Effluent Project in anticipation of their future water needs.

3.01(b): Current inventory of industrial parks and park space in the market area

The current TRI Center contains $\pm 12,700$ acres of development property, $\pm 2,000$ of which are currently developed.

3.01(c): Projected demand at project for leasable/improved square footage at completion

The SAD participants will dictate demand and have confirmed future need for Process Water for their planned investments.

3.01(d): Estimated absorption rate and term

The SAD participants will dictate demand and have confirmed future need for Process Water for their planned investments.

3.01(e): Marketing Plan

Not applicable.

3.01(f): Marketing Budget

Not applicable.

3.02: Traffic Analysis

The scope of the proposed infrastructure project, or the off-site Effluent Project, does not include any transportation-related projects.

3.03: Infrastructure Project Information

3.03(a): Master Plan

3.03(a)(i): Description of Project

The off-site Effluent Project will consist of a pipeline, one pump station and associated facilities, constructed between TMWRF and TRI Center, allowing transmission of treated effluent from TMWRF to TRI Center for approved reuse applications.

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



At a minimum, the on-site Effluent Project will consist of an increase in storage capacity at the on-site reservoir, two induction wells and several groundwater wells, and two booster stations and transmission lines to pump effluent to two storage tanks. The on-site Effluent Project will also consist of an advanced water treatment facility to meet the water quality needs of the users.

3.03(a)(ii): Description of Infrastructure Installation Plans

An 18" diameter pipe (or larger) will be installed at the existing TMWRF discharge manifold, from which reclaimed water can be pumped by TMWRF's existing pump station at approximately 138 psi. There is a 120 to 130-foot elevation drop from TMWRF to TRI Center. East of Mustang in the Truckee River corridor, the pipeline will climb a slope via a pump station to reach land owned by TRI. From there it will run downhill to TRI Center. The off-site Effluent Project will be designed to transport 4,000 acre feet or more of treated effluent water annually.

TRIGID has limited storage. Due to the cost of constructing a new storage reservoir within TRI Center, TRIGID intends only to enlarge, line and fence its existing reclaimed water reservoir to provide at least 1,500 acre feet of storage. This means reclaimed water from TMWRF will have to be supplied year-round for TRIGID customer use, but flows can be adjusted in order to meet Truckee River return flow requirements. In order to distribute pipeline reclaimed water within TRI Center, TRIGID will have to construct additional pipelines, pump stations and storage tanks, in addition to improvements to its reservoir.

3.03(b): EDFP Financed Improvements

No on-site Effluent Project improvements are under consideration for this EDFP. Only the off-site Effluent Project costs are proposed for financing through the SAD or reimbursement via a tax increment area ("TIA") to selected property owners within TRI Center.

3.03(c): Development Management Entity

Farr West Engineering will be the development management entity under the supervision of TRIGID.

3.03(d): Asset Management Entity

TRIGID, the current owner and manager of all water and sewer assets at TRI Center, will be the asset management entity.

3.03(e): Property Management Entity

TRIGID will be responsible for property/asset management.

3.03(f): EDFP Infrastructure Projects

3.03(f)(i): Non-EDFP Improvement Projects (No Funding Requested)

On-site storage, advanced water treatment and transmission projects to distribute Process Water to TRIGID customers are considered for this project, but do not seek EDFP funding.

3.03(f)(ii): Sources, Pro Forma, and Budget Overview

The off-site Effluent Project will use TMWTF as the source of treated effluent for Process Water for use in various manufacturing and cooling processes. The following provides a summary of the sources and uses for the off-site Effluent Project. It is important to note, these sources and uses are preliminary in nature and subject to material review and revision. More formal uses are expected to be outlined in a proposed financing agreement between Storey County and the SAD participants in advance of any bond issuance.

USES	
Cost Component	Est. Cost
Site Preparation and Water Pipeline Development	\$20,422,260
Pump Station and Supporting Infrastructure	\$1,334,150
Technical Services (Surveying, Engineering, Management)	\$2,828,333
Reimbursement Agreement with Storey County to Fund County Costs (Bond Counsel, Financial Advisor, Appraiser)	\$175,000
Reimbursed Costs of Professional Services for TMWRF, NDOT and Other Contracts	\$200,000
Reimbursed Costs of EDFP Application Preparation, Research and Other Professional Services	\$200,000
Land Acquisition/Easements and Construction Contingency ⁴	\$6,031,766
Total Uses	\$31,191,509

SOURCES⁵	
Funding Component	Est. Yield
Gross Proceeds	\$35,000,000
Debt Service Reserve Fund	(\$2,808,491)
Debt Issuance/Transaction Costs	(\$1,000,000)
Total Sources	\$31,191,509

In addition to the off-site Effluent Project, the on-site Effluent Project (excluding advanced water treatment) is expected to cost approximately \$30.0 million. The cost of the advanced water treatment component of the project is expected range from \$35.0 million to \$85.0 million, depending on the scope of the facilities. The overall project cost is expected to range from \$100.0 million to \$150.0 million when completed.

3.03(f)(iii): Planned Service Capacity

The off-site Effluent Project shall provide a minimum of 4,000 acre-feet of treated effluent per year.

3.03(g): Natural Resources Project

The Effluent Project qualifies a Natural Resources Project as defined in SB1 and SB442.

⁴ The construction contingency has been aggregated and applies to the all individual cost components of the project.

⁵ For modeling purposes, a benchmark amount of \$35.0 million in gross proceeds has been assumed. This does not consider a potential premium or discount structure. The model also assumes a 20-year term and a 5.0 percent interest rate, along with an estimated one-year debt service reserve fund. Market conditions at the time of issuance will dictate the final structure, term, rates and other provisions. Note, a 20- to 25-year term is being targeted. The included estimates are considered conservative relative to what will ultimately be achieved in the market. Debt issuance/transaction costs have been estimated and are intended to cover underwriter discounts, any state-related fees and other costs of issuance that may be incurred.

3.03(h): Maximum Service area and Capacity SOW

The entire Process Water system is to serve the TRI Center is designed for a maximum capacity of 10,000 acre-feet of water per year, serving properties requiring Process Water in TRI Center.

3.04: Infrastructure Project Maps, Plans, and Schedules

3.04(a): Infrastructure facility plans

3.04(a)(i): Interim Elements

No interim elements are included in this project.

3.04(a)(ii): Permanent Elements

See Exhibit E attached.

3.04(a)(iii): Established District Documentation

The SAD and TIA is defined in Section 4.02(a); The TIA is expected to be formed after GOED and IFC⁶ financing approval.

3.04(a)(iv): Final District Creation Documentation

The SAD and TIA is defined in Section 4.02(a); The TIA is expected to be formed after GOED and IFC financing approval.

3.04(b): Assessment Plans

The SAD and TIA is defined in Section 4.02(a); The TIA is expected to be formed after GOED and IFC financing approval. The TIA is contemplated to reimburse property owners for costs advanced and associated with the off-site Effluent Project.

3.04(c): Review of Interests Required

3.04(c)(i): Water Rights

TRIGID currently holds water rights for use as Process Water including Truckee River water rights, groundwater rights, and effluent from the TRIGID wastewater treatment plant. The Truckee Meadows Water Authority ("TWMA") holds water rights for the treated effluent to be delivered by the off-site Effluent Project.

3.04(c)(ii): Title Reports

Title reports for affected parcels will be available in the quarter following the financing decision, prior to construction.

⁶ IFC is the Interim Finance Committee of the Nevada Legislature.

3.04(c)(iii): Easements

Easements on the affected parcels will be secured by the end of the quarter following the financing decision, prior to construction.

3.04(d): Project Area Lands in the Service Area

Only those parcels in the TRI Center will be included in the Service Area.

3.04(e): Infrastructure Plots

See Exhibit E attached.

3.04(f): Infrastructure Service Area Boundaries

The service area boundaries are those of the TRI Center, which are shown in Exhibit B attached.

3.04(g): Zoning for the Service Area

Parcels in the Project Area are zoned for industrial and commercial use.

3.04(h): FEMA Flood Zoning

The property is not located in a FEMA Flood Zone.

3.04(i): Proof of Property Control

The legal rights to construct, operate, and repair the Effluent Project will be acquired by obtaining easements after the financing decision, see 3.04(c)(iii) above.

3.04(j): Phase 1 and 2 reports

3.04(j)(i): Phase 1 Reports

Phase 1 reports will be performed in the quarter following the financing decision, if needed.

3.04(j)(ii): Phase 2 Reports

Phase 2 reports will be performed in the quarter following the financing decision, if needed.

3.04(k): Environmental Review and Site Assessment

Preliminary review and assessment have been performed by TRIGID engineers and officers by on-site inspections of each parcel. No issues have been found. If further review and assessments are needed, they will be performed during the quarter following the financing decision.

3.04(l): Typical Infrastructure Excluded

No infrastructure that is typically a part of this type of project will be excluded.

3.04(m): Non-Included Infrastructure

Not applicable.

3.04(n): Non-Included Infrastructure and Absorption

Not applicable.

3.05: Updated Infrastructure Facility Budgets

3.05(a): Cost Estimates

See Section 3.03(f)(ii): Sources, Pro Forma, and Budget Overview for a summary of the costs.

3.05(b): Pre-Approval and Post-Approval Costs, Other Fees

See Section 3.03(f)(ii): Sources, Pro Forma, and Budget Overview for a summary of the costs.

3.06: Updated Infrastructure Facilities Development and Construction Maps, Plans, and Schedules

3.06(a): Utility Layout Map

See Exhibit E attached.

3.06(b): Quantity and Size Takeoffs Schedule and Budget

See Section 3.03(f)(ii): Sources, Pro Forma, and Budget Overview for a summary of the costs.

3.06(c): Equivalent Development Units

Not applicable.

3.06(d): Pre-Approval and Post Approval Costs, Other Fees

See Section 3.03(f)(ii): Sources, Pro Forma, and Budget Overview for a summary of the costs.

3.07: Project Readiness

3.07(a): Zoning and Permitting Milestones and Schedule

All permits will be obtained in the quarter following the financing decision. Zoning requirements have been satisfied.

3.07(b): Contractor's Contract Status

No contract currently exists, however TRIGID currently retains Farr West Engineering to perform all engineering and construction project management functions.

3.07(c): Remaining Requirements

3.07(c)(i): Design

Farr West Engineering currently has 30% completed engineering plans for the Effluent Project. Fully completed plans for the off-site Effluent Project will be provided after the financing decision.

3.07(c)(ii): Other Contracts

Not applicable.

3.07(c)(iii): GOED Administration

Per SB1 of the 2015 Special Session of the Nevada Legislature, GOED will administer the development funds that result from an approved EDP. TRIGID and Farr West Engineering will work with GOED to report and account for all funds used.

3.07(d): Post-Construction and Ongoing Operations

TRIGID will operate and maintain all infrastructure related to the Effluent Project.

3.08: Master Infrastructure Plans and Cost Estimates

3.08(a): Water

Not applicable.

3.08(b): Wastewater

Master infrastructure plans and cost estimates are included in Section 3.03(f)(ii): Sources, Pro Forma, and Budget Overview for a summary of the costs.

3.08(c): Rail Port

Not applicable.

3.08(d): Fire EMS

Not applicable.

3.08(e): Storm Drainage

Not applicable.

3.08(f): Scopes of Work, Budgets, Cashflow, and Construction Timing

See Section 3.03(f)(ii): *Sources, Pro Forma, and Budget Overview* for a summary of the costs. Timing of expenditures are contained in Section 5.01(b).

3.08(g): Elements of Complementary Infrastructure

Not applicable.

3.08(h): Development Entitlements

The Development Agreement dated February 1, 2000 between TRI and Storey County is the development entitlement for construction and operation of water and sewer systems for TRI Center. No additional development entitlements are necessary except building permits.

3.08(i): Confirmation of Entitlement Readiness

See 3.08(h).

Section 4: Proposed Infrastructure Project Financing

4.01: Overview of Project Financing

4.01(a)(i): Project Financing

The SAD financing component of the project is expected to comply with any underwriter and regulatory requirements of the State Board of Finance, State Treasurer and Storey County, including certain value-to-lien (coverage) ratios. Storey County has retained an appraiser to appraise the value of the property to be included within the SAD (the list of parcels is included in Section 4.02(a) below). It is expected that the appraised value of each parcel will be required to be at least three and one-half (3.5) times the amount of the proposed assessment against the parcel ("3.5x coverage"). The aggregate proposed assessment across all properties will be approximately \$35 million (the cost of the off-site Effluent Project). In addition, the allocation of the \$35 million assessment may be based on water right ownership, expected water consumption and/or some other reasonable basis determined by an assessment engineer, which has also been retained by Storey County. To the extent values fall short of the required 3.5x coverage, additional collateral, guarantees or credit enhancements may be required.

A debt service reserve fund equal to one year's debt service (principal and interest) will be funded from bond proceeds (subject to market conditions). Currently, the bond term is expected to span twenty (20) to twenty-five (25) years. It is possible the bonds will consider a premium or discount structure and require funds for debt issuance costs as well. A more formal plan/model for financing will follow as the process moves forward.⁷

The off-site Effluent Project is to be financed as previously described in Section 1. Concurrently, a TIA will be created pursuant to SB442 that will provide an opportunity for a maximum reimbursement of the off-site Effluent Project costs (and equivalent carrying costs).

4.01(a)(ii): Statement by the governing body of the creation of one or more districts or areas

To be provided by Storey County in conjunction with the creation of a special assessment district as provided for in SB442. Upon approval of the SAD and EDFP, Storey County will consider the TIA contemplated herein.

4.01(a)(iii): Project infrastructure elements

General

The off-site Effluent Project will consist of a pipeline, one pump station and associated facilities, constructed between TMWRF and TRI Center, allowing transmission of treated effluent from TMWRF to TRI Center for approved reuse applications. The Cities will reserve and supply treated effluent in the minimum quantities identified in Subsection 3.03(f)(iii) above.

⁷ For modeling purposes, a benchmark amount of \$35.0 million in gross proceeds has been assumed. This does not consider a potential premium or discount structure. The model also assumes a 20-year term and a 5.0 percent interest rate, along with an estimated one-year debt service reserve fund. Market conditions at the time of issuance will dictate the final structure, term, rates and other provisions. The included estimates are considered conservative relative to what will ultimately be achieved in the market. The underwriter discount has been modeled at 1.0 percent of the gross proceeds and "other costs" have been assumed.

Alignment

A portion of the off-site Effluent Project from TMWRF is in Washoe County (0.44 miles). The remainder is in Storey County (12.5 miles). The proposed alignment is down the Truckee River corridor until it reaches land owned by TRI. See Subsection 4.01 (c)(iii) for cost detail.

4.01(a)(iv): Infrastructure financed by public financing

The cost of the off-site Effluent Project is to be financed via an SAD, which is secured by the revenues and real property within the SAD. Concurrently, the creation of a TIA is intended to reimburse property owners a maximum amount equivalent to the off-site Effluent Project (plus equivalent carrying costs), but the developers have sized this request up to \$35 million. It is important to note, the potential tax increment that would inure to the property owners is not intended for bonding purposes, as such there is no risk on the part of the state or county for default or non-payment.

Bond financing as part of the SAD will be used for the construction of the off-site Effluent Project. Both the off-site and on-site Effluent Project are necessary to make the project operational. The on-site Effluent Project is expected to be financed through third-party private financing. Only the amount of bonds necessary to fund the off-site Effluent Project, pay for the costs of issuance, fund a one-year debt service reserve, and address any State-imposed requirements will be issued pursuant to the SAD. Only the cost of the off-site Effluent Project is being considered for bond financing through the State of Nevada.

All costs not covered by bond financing will be paid by TRI Center and the SAD participants in the overall project.

4.01(a)(v): Infrastructure financed by Public Private Partnership ("P3")

See 4.01(a)(iv), above. The private portion of the project financing, though not technically through a traditional P3, will be borne by the private sector developer.

4.01(a)(vi): Infrastructure financed by other financing means

None.

4.01(b)(i): Infrastructure components planned

See 4.01(a)(iii) above.

4.01(b)(ii): Changes to infrastructure component plans

None at this time.

4.01(c)(i): Project elements

See 4.01(a)(iii) above.

4.01(c)(ii): Service area

The service area for the Effluent Project will be TRI Center, located within Storey County, which is the service area of TRIGID. As noted, a small portion of the off-site Effluent Project will be within Washoe County, but that is not a part of the service area. Ancillary benefits, beyond those realized by the primary customers within the TRI Center, will inure to TMWRF and the Cities of Reno and Sparks.

4.01(c)(iii): Costs

See Section 3.03(f)(ii): *Sources, Pro Forma, and Budget Overview* for a summary of the costs.

4.01(c)(iv): Planned allocation/coverage of costs

See 4.01(a)(iv) above.

4.01(c)(v): Changes in risk

None identified.

4.01(c)(v)(1): Impact of risk of P3 termination

Not applicable.

4.01(c)(v)(2): Assumption/assignment of responsibility for water and waiver of P3 assuming responsibility

Not applicable.

4.02: Special Assessment District (NRS 271)

4.02(a): Overview

An SAD is intended to cover the cost of the off-site Effluent Project. The proposed SAD will include selected properties in TRI Center. The following provides a list of parcels to be included in the SAD as well as the TIA; the list identifies the assessor parcel number ("APN"), the legal owner, the ultimate owner (e.g., parent company), the estimated acreage and identifies if the parcel is included in TIA. For parcels identified by the Storey County Assessor's Office as having some "improvements" on site have been excluded from the TIA. Also note, the parcel list is subject to deletions at some point in the future, but prior to the finalization of the SAD creation.

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



Parcel No.	Owner - Legal Name	Owner - Parent Company	Approx. Acreage	Status	SAD	TIA
005-111-12	Eagle Valley Acquisition LLC	Blockchains	6.58	Vacant	YES	YES
005-111-51	Eagle Valley Acquisition LLC	Blockchains	22.62	Vacant	YES	YES
005-111-58	Eagle Valley Acquisition LLC	Blockchains	17.64	Vacant	YES	YES
005-111-66	Eagle Valley Acquisition LLC	Blockchains	42.25	Vacant	YES	YES
005-111-67	Eagle Valley Acquisition LLC	Blockchains	214.60	Vacant	YES	YES
005-011-75	Peru Shelf Acquisition	Blockchains	257.65	Vacant	YES	YES
005-011-88	Peru Shelf Acquisition	Blockchains	165.61	Vacant	YES	YES
005-011-94	Peru Shelf Acquisition	Blockchains	90.32	Vacant	YES	YES
005-011-81	TRIC Acquisition LLC	Blockchains	178.53	Vacant	YES	YES
005-011-84	TRIC Acquisition LLC	Blockchains	36.57	Vacant	YES	YES
005-011-58	Silver Slate LLC	Google	662.00	Vacant	YES	YES
005-011-65	Comstock TRIC Associates LLC	Reno Land	491.09	Vacant	YES	YES
005-011-66	Comstock TRIC Associates LLC	Reno Land	8.00	Vacant	YES	YES
005-011-70	Comstock TRIC Associates LLC	Reno Land	189.00	Vacant	YES	YES
005-011-45	Supernap Reno LLC	Switch	71.45	Vacant	YES	YES
005-011-46	Supernap Reno LLC	Switch	117.36	Vacant	YES	YES
005-011-48	Supernap Reno LLC	Switch	314.54	Improvements	YES	NO
005-011-49	Supernap Reno LLC	Switch	134.04	Vacant	YES	YES
005-011-50	Supernap Reno LLC	Switch	61.56	Vacant	YES	YES
005-011-85	Supernap Reno LLC	Switch	8.87	Vacant	YES	YES
005-011-89	Supernap Reno LLC	Switch	278.27	Vacant	YES	YES
005-071-08	Supernap Reno LLC	Switch	2.83	Vacant	YES	YES
005-071-12	Supernap Reno LLC	Switch	18.86	Vacant	YES	YES
005-071-57	Supernap Reno LLC	Switch	162.56	Vacant	YES	YES
005-081-07	Supernap Reno LLC	Switch	44.57	Vacant	YES	YES
005-081-11	Supernap Reno LLC	Switch	1.72	Vacant	YES	YES
005-081-10	Tahoe-Reno Industrial Cntr LLC	Switch	205.76	Vacant	YES	YES
005-011-21	Tesla Motors Inc	Tesla	5.16	Vacant	YES	YES
005-091-29	Tesla Motors Inc	Tesla	65.90	Vacant	YES	YES
005-091-42	Tesla Motors Inc	Tesla	35.00	Vacant	YES	YES
005-091-44	Tesla Motors Inc	Tesla	42.67	Vacant	YES	YES
005-091-45	Tesla Motors Inc	Tesla	15.98	Improvements	YES	NO
005-091-47	Tesla Motors Inc	Tesla	81.34	Vacant	YES	YES
005-091-49	Tesla Motors Inc	Tesla	35.22	Vacant	YES	YES
005-091-52	Tesla Motors Inc	Tesla	118.22	Vacant	YES	YES
005-111-48	Tesla Motors Inc	Tesla	12.18	Vacant	YES	YES
005-051-29	1200 USA Parkway	Emerald City Empire	18.40	Vacant	YES	YES
005-051-30	Emerald City Empire LLC	Emerald City Empire	1.08	Vacant	YES	YES
005-051-53	Emerald City Empire LLC	Emerald City Empire	16.73	Vacant	YES	YES
005-051-57	Emerald City Empire LLC	Emerald City Empire	5.08	Vacant	YES	YES
005-101-36	Emerald City Empire LLC	Emerald City Empire	60.22	Vacant	YES	YES
005-101-39	Emerald City Empire LLC	Emerald City Empire	2.21	Vacant	YES	YES
005-101-40	Emerald City Empire LLC	Emerald City Empire	9.66	Vacant	YES	YES
Total			4,329.90			

Based on the SAD guidelines, a 3.5x value-to-lien ratio per parcel is targeted. Pending the results of the property appraisals, the list of parcels included or excluded may vary.

4.02(b): Determination of the governing body that tax proceeds will be sufficient

Since the off-site Effluent Project is not considering revenue bonds associated with the TIA, this element is not applicable.

4.02(c): Infrastructure Projects Included

The off-site Effluent Project is contemplated within the SAD.

4.02(d): Areas Served

The area to be served by the improvements is described in 4.02(a) above.

4.02(e): State Repayment and P3 funding

SAD bond repayments will be made by selected property owners and secured by the underlying real estate.

4.02(f): Undertaking Allocations

As previously noted, the funding of the undertaking is proposed to include proceeds of bonds issued through the State. The proceeds of the bonds would fund both only the off-site Effluent Project.

4.02(g): District Area

The special assessment district area will encompass selected parcels within TRI Center as noted in 4.02(a) above.

4.02(h): District Funding Analysis

The SAD will be funded (debt serviced) based on a 100-percent self-assessed group of participants. No additional analysis or speculation with respect to timing and/or participants is required.

4.02(i): Assessment Engineer's Report

Pending. To be completed.

4.02(j): Municipal Bond Analysis

The following provides a simplified bond amortization for reference (modeling purposes); a more formal bond structure and estimates will be prepared as the process moves forward. This analysis assumes \$35.0 million in borrowings, a

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



20-year term, a 5.0-percent interest rate and an annual payment structure.⁸ Terms are expected to adjust; these have been incorporated as placeholders to demonstrate order-of-magnitude estimates.

Year	Debt Service Payment	Interest Payment	Principal Payment	Outstanding Balance
Beginning Balance				\$35,000,000
Year 1	\$2,808,491	\$1,750,000	\$1,058,491	\$33,941,509
Year 2	\$2,808,491	\$1,697,075	\$1,111,415	\$32,830,094
Year 3	\$2,808,491	\$1,641,505	\$1,166,986	\$31,663,109
Year 4	\$2,808,491	\$1,583,155	\$1,225,335	\$30,437,773
Year 5	\$2,808,491	\$1,521,889	\$1,286,602	\$29,151,172
Year 6	\$2,808,491	\$1,457,559	\$1,350,932	\$27,800,240
Year 7	\$2,808,491	\$1,390,012	\$1,418,479	\$26,381,761
Year 8	\$2,808,491	\$1,319,088	\$1,489,403	\$24,892,358
Year 9	\$2,808,491	\$1,244,618	\$1,563,873	\$23,328,486
Year 10	\$2,808,491	\$1,166,424	\$1,642,066	\$21,686,420
Year 11	\$2,808,491	\$1,084,321	\$1,724,170	\$19,962,250
Year 12	\$2,808,491	\$998,113	\$1,810,378	\$18,151,872
Year 13	\$2,808,491	\$907,594	\$1,900,897	\$16,250,975
Year 14	\$2,808,491	\$812,549	\$1,995,942	\$14,255,033
Year 15	\$2,808,491	\$712,752	\$2,095,739	\$12,159,294
Year 16	\$2,808,491	\$607,965	\$2,200,526	\$9,958,768
Year 17	\$2,808,491	\$497,938	\$2,310,552	\$7,648,216
Year 18	\$2,808,491	\$382,411	\$2,426,080	\$5,222,137
Year 19	\$2,808,491	\$261,107	\$2,547,384	\$2,674,753
Year 20	\$2,808,491	\$133,738	\$2,674,753	\$0
Total		\$21,169,811	\$35,000,000	

4.02(k): County Ordinance

Pending. To be completed following GOED's consideration of the EDFP.

4.03: Tax Increment Area ("TIA") (NRS 278C)

4.03(a): Overview

The proposed TIA will include selected vacant properties in the SAD that have the potential to benefit from the Effluent Project. The vacant property owners are expected to be limited to Tesla, Switch, Google, Blockchains, Reno Land and Emerald City Empire. See Section 4.02(a) for a list of the parcels included in the TIA.

4.03(b): Determination of the governing body that tax proceeds will be sufficient

Since the TIA revenues are not to be used for bond repayments, no determination of sufficiency is necessary.

4.03(c): Infrastructure Projects Included

The TIA revenues will only be utilized to reimburse an amount equivalent to the aggregate cost of the off-site Effluent Project of \$35 million, which includes principal and interest.

⁸ While a 20-year term is modeled in the accompanying schedule, the proposed transaction contemplates a 20- to 25-year bond term, subject to market conditions at the time of issuance.

4.03(d): Areas Served

The area to be served by the improvements is described in 4.03(a) above.

4.03(e): Undertaking Allocations

As previously noted, the funding of the undertaking is proposed to include proceeds of bonds issued through the State via an SAD. No bonds are to be collateralized or secured by the tax increment revenues.

4.03(g): Tax Increment Funding Analysis

TIA revenues are not utilized to fund the improvements, so no funding analysis is contemplated.

4.03(h): Municipal Bond Analysis

No bonds will be issued that are secured by TIA revenues.

4.03(f): Tax Increment Area

The revenues permitted to be captured for use for reimbursement of the off-site Effluent Project will be generated by future development within the TIA. Revenue increment to be captured by the TIA include real and personal property taxes, sales and use tax, and modified business tax. The TIA is defined in Section 4.02(a).

4.03(i): County Ordinance

The ordinance establishing the TIA will be adopted by Storey County and will be provided once the TIA is formally created.

4.04: Bond Issuance

4.04(a): Summary of Project Bond Financing Profile

4.04(a)(i): Bond principal amount requested

The principal amount being requested is \$35 million through an SAD. The net amount that will be impacted by the cost of issuance, the funding of a debt service reserve and any other structural requirements or features of the debt. Importantly, the ultimate bonding capacity, terms and structure will be subject to market conditions at the time of issuance. TIA revenues are not securing the bonds.

4.04(a)(ii): Tax-exempt or taxable bonds being sought

To the degree permitted by Federal Tax Code, the intent is to maximize the use of tax-exempt bonds. Tax opinions will be rendered by bond counsel at the time the bonds are issued.

4.04(a)(iii): Term

The contemplated term of the bonds will be less than 30 years. As noted, the term of the SAD bonds for this project will comply with this restriction. A term of 20 to 25 years is assumed, subject to market conditions.

4.04(a)(iv): Interest Rate

The interest rate for this analysis assumes a tax-exempt benchmark for AA rated general obligation debt plus an additional margin to hedge against future market movement. For modeling purposes, a 5.0 percent interest rate is assumed, which will adjust based on market conditions at the time of issuance.

4.04(a)(v): Security

The bonds issued by Storey County will be secured by the following sources: 1) assessment payments by the property owners, 2) a reserve fund, 3) available funds within the assessment district cash flow and 4) the uncommitted portion of Storey County's general fund. The Bonds will be purchased by the State Bond Bank.

4.04(a)(vi): Project total financing costs

Costs of project financing are expected to include underwriter's discount, legal fees, financial advisory fees, and other typical costs of issuance. See section 3.03(f)(ii) for costs assumed in computing both the funds available for construction and the associated debt service costs. The applicant also recognizes that since these bonds would be issued through the State of Nevada, additional requirements may be imposed by the State Treasurer's Office in advance of issuance.

4.05: Bond Repayment Methods

4.05(a): Overview of Bond Payment Methods

4.05(a)(i): Special Assessment District

The SAD will be repaid through assessments on selected properties noted in Section 4.02(a).

4.05(a)(ii): Reserves

The bonding structure assumes a one-year debt service reserve fund.

4.05(a)(iii): Tax Increment Area

TIA revenues are not to be bonded against.

4.05(a)(iv): Collateral Property

Assessments levied on the properties within the SAD will be collateral for the bonds. Foreclosure proceedings will commence to service any due and outstanding assessments in the event of delinquencies.

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



4.05(a)(v): Local Government

Given the anticipated assessment payments, the reserve fund and other resources available within the assessment district cash flow, it is not expected that the uncommitted portion of the general fund balance would be used to repay the bonds.

4.05(a)(vi): State Securities Law

This issuance is expected to be compliant with the requirements of SB1 of the 2015 Special Legislative Session and SB442 in all respects, and will fully comply with all Constitutional and statutory requirements and limits that pertain to the issuance of bonds through the State Bond Bank. There is not expected to be an impact upon the State's general fund.

4.05(b): Financing Amount

4.05(b)(i): Terms

4.05(b)(i)(1) Principal Amount

The SAD bond modeling assumes a principal amount of approximately \$35.0 million.

4.05(b)(i)(2) Term for natural resources project

As the project is a treated effluent pipeline, it qualifies as a natural resource project. As noted herein, the term is expected to be no more than 30 years. The SAD bonds are targeting a term of 20 to 25 years, subject to market conditions. For modeling purposes in this EDFP, a 20-year term is assumed.

4.05(b)(i)(3) Term for non-natural resources project

Not applicable.

4.05(b)(i)(4) Review of Nevada Constitutional Requirements regarding Bond Payments

This applies to general obligations of the State, other than bonds issued through the State Bond Bank and, thus, does not present a concern for the issuance of bonds for the off-site Effluent Project.

4.05(b)(ii): Projected Interest Rate

The interest rate assumed on the SAD bonds is approximately 5.0 percent. The actual interest rate will be determined at the time of issuance of the bonds; the current estimate assumes capacity for future rate increases in advance of issuance. The interest rate on the assessments will be no higher than 1.0 percent over the highest rate on the bonds.

4.05(b)(iii): Projected Issuance Costs

The costs of issuance assumed in the SAD bonding model include an underwriter's discount of approximately 1.0 percent and other costs (legal, financial advisors, and other customary costs).

Economic Development Financing Proposal
Tahoe Reno Industrial Center Effluent Water Pipeline



4.05(b)(iv): Payment Amount per Acre

Not applicable.

4.05(b)(v): Prepayment Penalty

The bonds may include a prepayment penalty based on market conditions at the time of issuance.

4.05(b)(vi): Tax Exemption Opinion

Bond counsel will issue a tax opinion prior to the issuance of the bonds. These are public purpose bonds to extend a pipeline from a currently operating wastewater treatment plant (TMWRF). The bonding models have assumed a tax-exempt financing for this project, as it is a natural resource project being issued through the State of Nevada Bond Bank.

4.05(b)(vii): Issuance Fees

Only customary fees as may be assessed by the State Treasurer's Office for the use of the State Bond Bank.

4.05(b)(viii): Refinancing and Bond Paydowns

Bond refinancing and prepayments will be allowed, subject to market conditions at the time of issuance.

4.05(c): Plans to Treat Potential Cost Overruns

Project cost overruns, if any, will be the responsibility of TRI Center and the SAD participants.

4.05(d): Subordinate Financing

No additional financing is contemplated at this time. If additional debt is issued in the future, it is expected that it would be subordinate to the bonds issued for this project.

4.05(e): Statement Regarding Subordination

There are no plans for the issuance of additional debt at this time. The issuance may include an additional bonds test that may affect any future borrowings against this credit.

4.05(f): Credit Enhancements

Since these are expected to be State obligations issued through the State Bond Bank, and since there is expected to be adequate security, no credit enhancements are being contemplated.

Section 5: Infrastructure Project Financial Analysis

5.01: Development Budget

5.01(a): Sources & Uses of Funds

Sources and uses of funds are outlined in the tables included in Section 3.03(f)(ii).

5.01(b): Pro Forma Development Phase Cash Flow

5.01(b)(i-vii): Pro Forma Model

The following provides estimated cash flows and timing for the development of the off-site Effluent Pipeline.

Month	Site Preparation and Pipeline Development	Pump Stations and Supporting Infrastructure	Technical Services	Reimburse Professional Services/Costs	Land Acquisition and Contingency	Total Expenditures	Account Balance
Month 0							\$31,741,509
Month 1	\$1,134,570	\$111,179	\$157,130	\$575,000	\$365,654	\$2,343,532	\$29,397,977
Month 2	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$27,629,445
Month 3	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$25,860,912
Month 4	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$24,092,380
Month 5	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$22,323,847
Month 6	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$20,555,315
Month 7	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$18,786,782
Month 8	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$17,018,250
Month 9	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$15,249,717
Month 10	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$13,481,185
Month 11	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$11,712,652
Month 12	\$1,134,570	\$111,179	\$157,130		\$365,654	\$1,768,532	\$9,944,120
Month 13	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$8,286,767
Month 14	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$6,629,413
Month 15	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$4,972,060
Month 16	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$3,314,707
Month 17	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$1,657,353
Month 18	\$1,134,570		\$157,130		\$365,654	\$1,657,353	\$0
Total	\$20,422,260	\$1,334,150	\$2,828,333	\$575,000	\$6,581,766	\$31,741,509	

5.01(b)(viii): Key Ratios and Measures

5.01(b)(viii)(1): Estimated Payments

Estimated payments for the SAD bonds (as currently modeled) are fixed annually at approximately \$2.8 million (principal and interest).

5.01(b)(viii)(2): Debt Coverage Ratio

With SAD bonds there is typically not a debt service coverage ratio. A value-to-lien ratio is more typically used. It is expected that each parcel will have an appraised value of at least 3.5 times the amount of its assessment. In addition to the 3.5:1 ratio, a reserve fund equal to one year of debt service and other available resources within the assessment district cash flows provide additional security for repayment.

5.01(b)(viii)(3): Loan to Value

The anticipated value-to-loan is approximately 3.5 times per parcel.

5.01(b)(viii)(4): Mitigation Plan for Low Value-Lien Ratios
Not applicable at this time; pending results of the appraisal.

5.01(b)(xi): *Supporting Cash Flow Statements*
See the summary bonding amortization schedule at Section 4.02(j).

5.01(b)(x): *Prepayment and Yield Maintenance*
Prepayment is expected to be permitted, subject to market conditions at the time of issuance.

5.01(c): *Reserves*
A pre-funded debt service reserve of one-year of debt service has been assumed in the bonding model.

5.01(d): *Revenue Plan*
5.01(d)(i): *Pledged Revenues*
The assessments to be pledged for the repayment of SAD debt will be the SAD payments from property owners. TIA revenues are not pledged for debt repayment.

5.01(d)(ii): *Uncommitted Balance of the General Fund of the Local Government*
As noted in 5.01(d)(i), above, local governments issuing securities through the State as permitted by SB1 of the 2015 Special Legislative Session and SB442 are required to make their uncommitted balances of their general fund available to the State in the event cash flows are insufficient to meet debt service requirements as they come due. The term "uncommitted balance" has been defined by the Department of Taxation, and issuers through the State are required to comply with this definition and the requirements of SB1.

5.01(d)(iii): *Contingency Plan Regarding State Securities Law*
As required, the issuer will be required to make the "uncommitted balances" of its general fund available to address any shortfalls in cash flow. Beyond the pledged revenues and the commitment of the "uncommitted balances", there are no other contingencies in place. NRS 350A.153 may provide an avenue of additional contingency, if so elected by the State and the issuer.

5.01(d)(iv): *Payment by Local Governments Not Secured by Their Taxing Power*
There will be no underlying general obligation pledge to levy a property tax on the part of the issuer.

5.01(d)(v): Proposed Transfer and Accounting of Bond Proceeds to GOED

The project is expected to commence in early-2019, with system operation expected to commence in late-2020. Construction draws against bond proceeds will be performed in a manner agreed to by all parties in a financing agreement.

5.01(e): Costs

5.01(e)(i-vi): Project Costs

Cost of the off-site Effluent Project are contained in Section 3.03(f)(ii).

5.01(e)(vii): Cost Overrun Plans

Cost overruns, if any, will be the responsibility of TRI Center and the SAD participants.

5.01(f): Debt Repayment

See the summary bonding amortization schedule at Section 4.02(j).

Section 6: Economic Development Financing Agreement

6.01: Contracting Overview

6.01(a): Project Developer

6.01(a)(i): Profile

TRIGID is a general improvement district and political subdivision of the State of Nevada created by Storey County pursuant to NRS Chapter 318 to provide water and sewer service to TRI Center customers, which currently include 91 industrial and commercial properties and 276 service connections.

6.01(a)(ii): Ability to do Business in Nevada

TRIGID was created by Storey County pursuant to NRS 318.

6.01(a)(iii): Development Agreement between Applicant and Project Manager

To be provided during the quarter after the financing decision.

6.01(b): Project Manager

6.01(b)(i): Profile

Farr West Engineering is a 50-employee civil, environmental, and electrical engineering firm located in Reno, Nevada. Farr West has provided municipal and utility engineering services to the City of Reno, including the City's 2014 sanitary sewer rehabilitation project and the Valley Road Lift Station. It also serves as the engineer of record and project manager for TRIGID, creating the master plan for the non-potable water system.

6.01(b)(ii): Ability to do Business in Nevada

Farr West Engineering is registered with the Nevada Secretary of State, business ID NV20011242988. It also employs multiple Professional Engineers and Professional Land Surveyors licensed who are licensed in the State of Nevada. Farr West has operated in Nevada for over 15 years.

6.01(b)(iii): Development Agreement between Applicant and Project Manager

To be provided during the quarter after the financing decision.

6.01(b)(iv): State Protection

To be provided with development agreement in 6.01(b)(iii).

6.02: Financing Agreement

To be completed in advance of the bond issuance.

6.03: Infrastructure Agreement

May not be applicable.

6.04: Reimbursement Agreement

Completed and on file with Storey County.

6.05: Qualified Project Security Agreement

May not be applicable.

6.06: Development Agreement

May not be applicable.

6.07: State Release

May not be applicable.

6.08: Management and Operations Agreement

May not be applicable.

6.09: Interlocal Agreements

To be completed prior to bond issuance.

6.10: Development and Construction Insurance Plan

May not be applicable.

6.11: Prevailing Wage Applicability Opinion

May not be applicable.

Exhibits

Exhibit A: Storey County Comprehensive Annual Financial Statement, 2016
(see http://www.appliedanalysis.com/edfp/2018/docs/Exhibit_A.pdf)

Exhibit B: TRI Center Master Plan
(see http://www.appliedanalysis.com/edfp/2018/docs/Exhibit_B.pdf)

Exhibit C: GOED Notice of Qualified Project Status and Certificates
(see http://www.appliedanalysis.com/edfp/2018/docs/Exhibit_C.pdf)

Exhibit D: State Economic Impact Study of the Qualified Project
(see http://www.appliedanalysis.com/edfp/2018/docs/Exhibit_D.pdf)

Exhibit E: 30% Engineering Plans
(see http://www.appliedanalysis.com/edfp/2018/docs/Exhibit_E.pdf)

Sam Toll asked if the TRI GID was in fact a legally viable entity. He described some of the research that he had done into the issues that Douglas County had with a GID up there and the conversation that he had had with State Senator Settlemeyer which suggests that there may be some issues with the TRI GID from an NRS standpoint. Specifically, the County's responsibilities if the GID were to become insolvent or deemed to be illegitimate. Deputy DA Loomis responded that the County had no obligation to financially "backstop" the TRI GID but the legitimacy question was never answered.

Sam also asked why not put the Bond up for a vote on the November Ballot. Marshall McBride said that it was too late to do that.

SIDENOTE- That's nice.....too late to let the voters decide if they agree with the County's use of general tax revenues to pay for a developer expense. The filing date by the way was July 15th...three weeks ago....how strategic of them to wait until now to discuss this.

But I digress..

Scott Jolcover commented that we are a capitalist society , that the deal is just plain good business , that there is no risk to the county and that it is a wise decision to approve it.

I got up and said that I had heard a lot about how great this deal was for Reno/Sparks and the companies at TRIC. What a great financing deal it was and how everybody wins if TRIC wins....but that not one person either elected, appointed , presenting or attending had mentioned the citizens of Storey County. I then read the following into the record:

Statement made by Nicole Barde for the record at Storey County Commission Meeting of August 7,2018

First I would like to state that I am in favor of this pipeline. Having worked in the semiconductor industry for 20 years I understand fully the need for water in a manufacturing process. I also understand what it takes to attract the types of high caliber companies like Tesla and Switch into a new location and so I am not opposed in principle to the offering of incentives to do that.

What I am opposed to is the continued assault on taxpayers to pay for the costs associated with the operations of corporate entities who should be bearing that burden themselves.

The State of Nevada has given epic abatements to these companies to get them here. They are enjoying tax relief that none of our small businesses enjoy in order to produce their products which we will eventually get sales tax revenues from.

Visitors who come to town are greeted with a sign proclaiming Storey County as "The Richest Place On Earth".

At the last VCTC meeting, a board member announced that Storey County is the wealthiest county in the United States per capita.

In contrast, when I attended the Community Chest's needs assessment meeting, Erik Schoen provided a contrasting view.

According to his presentation based on recent statistics from commuitycommons.org:

Storey County's median age is 54...compared to 37 for the State and the US.

28% of our population is 65+ older and are on fixed incomes. This compares to 14% for Nevada and the US

Storey County has 49% of it's population designated as "food insecure" compared to 25% for the State and 29% for the US....which means after the hard expenses are paid there is little left for other necessities. 50% of our children are "food insecure".

Storey County has 7.25% of it's housing units without kitchen facilities compared to 1.93% for Nevada and 2.84% for the US.

Storey County has little to no childcare facilities accessible or affordable to its residents.

We are not a rich county.

Our people are not rich.

So when I stand up and speak against the pilfering of our tax revenues , past, present or future I speak out because we need those revenues to help our citizens.

We've been told that we are the richest county in America. By what standard? Certainly not by the statistics I just read.

We've been told that TRI would give the county and it's resident so much revenue that we could expect a tax roll back. Empty promise.

We are not stupid...we understand that you have to spend money to make money and so we're waiting patiently for the abatements to cease so that we can have the revenues we need to provide more service to our residents.

Now you tell me that the future revenues of the abated companies are going to pay for a pipeline that only they need and only they will use. You want to use revenues that are needed to help feed, service and support our own residents to build a pipeline for some of the richest companies in Nevada?

What I want to say to those companies is this.... The state of Nevada has given you a spectacular deal...you are enjoying great tax relief....\$35 million dollars split between the key companies is the equivalent of an ATM transaction for each of you. Be generous....pay for it yourselves. Let the good people of Storey County keep our revenues so that we may better our lives.

SIDENOTE-I do not believe that a rising tide lifts all boats if you do not own a boat. Without a boat a rising tide can drown you.


I also believe that over time the TRIC revenues will start to come in more heavily....but I also believe that the corresponding increased expenses associated with supporting TRIC will eat into those revenues. The question is how much will be left over for Storey County Residents.


The Commission passed the Deal...which is to say that they approved it to go forward to the next steps which you can see in the presentation.


The rest of the meeting was pretty procedural except for one item.

That item was the approval of Fulcrum BioEnergy's Bond financing deal whereby they are issuing their own industrial development bonds to pay for their own improvements. Those bonds are for \$44 million dollars....they are not asking the County's taxpayers for anything...nothing....not one dime....nothing...BRAVO!

Share this:

 (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/?share=twitter&nb=1>)

 (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/?share=facebook&nb=1>)

 (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/?share=google-plus-1&nb=1>)

2

Like this:

Loading...

Related

Commissioner Meeting
September 19th, 2017
(<http://bardeblog.com/2017/09/19/commissioner-meeting-september-19th-2017/>)
September 19, 2017
In "Commissioner Meeting"

Summary of the August 1, 2017
Storey County Commission
Meeting
(<http://bardeblog.com/2017/08/01/summary-of-the-august-1-2017-storey-county-commission-meeting/>)
August 1, 2017
In "Commissioner Meeting"

Summary of May 1, 2018 Storey
County Commission Meeting
(<http://bardeblog.com/2018/05/03/summary-of-may-1-2018-storey-county-commission-meeting/>)
May 3, 2018
In "Commissioner Meeting"

Posted in [Commissioner Meeting](http://bardeblog.com/category/commissioner-meeting/) (<http://bardeblog.com/category/commissioner-meeting/>) Tagged [bond issue](http://bardeblog.com/tag/bond-issue/) (<http://bardeblog.com/tag/bond-issue/>), [Pipeline](http://bardeblog.com/tag/pipeline/) (<http://bardeblog.com/tag/pipeline/>), [resident statement](http://bardeblog.com/tag/resident-statement/) (<http://bardeblog.com/tag/resident-statement/>), [sad](http://bardeblog.com/tag/sad/) (<http://bardeblog.com/tag/sad/>), [tia](http://bardeblog.com/tag/tia/) (<http://bardeblog.com/tag/tia/>)



(<http://bardeblog.com/2018/07/27/summary-of-community-chest-storey-county-needs-assessment-meeting-in-lockwood-held-on-july-26th-2018/>)



(<http://bardeblog.com/2018/08/09/storey-county-school-board-highlights-may-june-and-july-2018by-sharon-snell/>)

← *Summary of Community Chest Storey County needs assessment meeting in Lockwood held on July 26th, 2018* (<http://bardeblog.com/2018/07/27/summary-of-community-chest-storey-county-needs-assessment-meeting-in-lockwood-held-on-july-26th-2018/>)

Storey County School Board Highlights – May, June and July 2018 By Sharon Snell → (<http://bardeblog.com/2018/08/09/storey-county-school-board-highlights-may-june-and-july-2018by-sharon-snell/>)

2 thoughts on “Summary of the August 7, 2018 Storey County Commission Meeting”

Carol ouellette (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/#comment-350>) August 9, 2018

Such fantastic reporting Nicole!!

Comstock Chronicle front page interview was also well written. I gave the article to Friend that was sitting on the fence and two voters are now in our ballfield!!!

Great photo sign!

Go Nicole

Reply

NicoleBarde (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/#comment-351>)

August 9, 2018

Thanks so much Carol!

Reply

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment

Name *

Email *

Website**Post Comment**☐ **Notify me of follow-up comments by email.**☐ **Notify me of new posts by email.**

SUBSCRIBE TO BARDEBLOG VIA EMAIL

Get new posts as they hit by signing up to our email notification service. Click or tap to get new posts in your inbox.

CLICK ON A RECENT POST TO READ MORE

- Summary of the August 9, 2018 VCTC Meeting (<http://bardeblog.com/2018/08/13/summary-of-the-august-9-2018-vctc-meeting/>) August 13, 2018
- Storey County School Board Highlights – May, June and July 2018 By Sharon Snell (<http://bardeblog.com/2018/08/09/storey-county-school-board-highlights-may-june-and-july-2018by-sharon-snell/>) August 9, 2018
- Summary of the August 7, 2018 Storey County Commission Meeting (<http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/>) August 8, 2018
- Summary of Community Chest Storey County needs assessment meeting in Lockwood held on July 26th, 2018 (<http://bardeblog.com/2018/07/27/summary-of-community-chest-storey-county-needs-assessment-meeting-in-lockwood-held-on-july-26th-2018/>) July 27, 2018
- Summary of the July 12, 2018 VCTC Meeting (<http://bardeblog.com/2018/07/15/summary-of-the-july-12-2018-vctc-meeting/>) July 15, 2018

CLICK HERE TO SEE OUR ARCHIVE

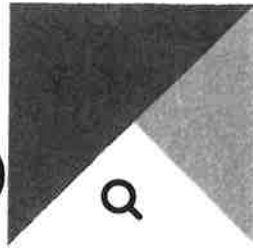
Select Month ▼

CATEGORIES

- › Commissioner Meeting (<http://bardeblog.com/category/commissioner-meeting/>)
- › Community News (<http://bardeblog.com/category/community-news/>)
- › Community Voices (<http://bardeblog.com/category/community-voices/>)
- › Editorial (<http://bardeblog.com/category/editorial/>)
- › Merchants Meeting (<http://bardeblog.com/category/merchants-meeting/>)
- › Planning Commission (<http://bardeblog.com/category/planning-commission/>)
- › Political (<http://bardeblog.com/category/political/>)
- › Satire (<http://bardeblog.com/category/satire/>)
- › School Board Meeting (<http://bardeblog.com/category/school-board-meeting/>)
- › TMI (<http://bardeblog.com/category/tmi/>)
- › VCTC Meeting (<http://bardeblog.com/category/vctc-meeting/>)
- › VHC 10 Acre Meeting (<http://bardeblog.com/category/vhc-10-acre-meeting/>)
- › VT Rail Commission Meeting (<http://bardeblog.com/category/vt-rail-commission-meeting/>)

Powered by [Plum Theme \(https://inkhive.com/product/plum/\)](https://inkhive.com/product/plum/). © 2018 BardeBlog. All Rights Reserved.

BardeBlog
(<http://bardeblog.com/>)



Summary of the August 7, 2018 Storey County Commission Meeting

Search ...

ABOUT

AUGUST 8, 2018 ([HTTP://BARDEBLOG.COM/2018/08/08/SUMMARY-OF-THE-AUGUST-7-2018-STOREY-COUNTY-COMMISSION-MEETING/](http://bardeblog.com/2018/08/08/summary-of-the-august-7-2018-storey-county-commission-meeting/))

 NICOLEBARDE ([HTTP://BARDEBLOG.COM/AUTHOR/NICOLEBARDE/](http://bardeblog.com/author/nicolebarde/))

WHEN IS CORPORATE WELFARE NOT CORPORATE WELFARE?..... WHEN IT'S A PIPELINE

WOULDN'T IT BE GREAT IF YOU COULD USE YOUR PROPERTY TAX TO IMPROVE YOUR OWN PROPERTY? OH WAIT.....NO...YOU ARE NOT IN TRIC....YOU ARE NOT TESLA

WOULDN'T IT BE GREAT IF YOU COULD VOTE ON WHETHER TO GIVE YOUR PUBLIC FUNDS TO MULTI-BILLION DOLLAR COMPANIES OR NOT?.....OH WAIT...NO...IT'S TOO LATE TO PUT IT ON THE BALLOT

WOULDN'T IT BE GREAT IF OUR ELECTED OFFICIALS WOULD MENTION THE NEEDS OF THE RESIDENTS WHEN CUTTING DEALS?.....OH WAIT.....

BRAVO FULCRUM BIOENERGY.....FOR FUNDING YOUR OWN CAPITAL EXPANSION

By Nicole Barde

Bardeblog.com

You can find the agenda packet [HERE](#)

(http://www.storeycounty.org/AgendaCenter/ViewFile/Agenda/_08072018-762) and County Manager Pat Whitten's summary [HERE](#).

(<http://my.envoymessenger.com/t/ViewEmail/r/9B90AFC8FB4E513F2540EF23F30FEDED/D6C29A87DA098C94419C69E1CEBE89F9>) If you want to listen to the meeting you can find the recording [HERE](#). (<http://www.savestoreycounty.org/archive/>)

Pat Whitten's summary gives a good summary of the updates and key voting items. The "beef" of this meeting was the presentation on and the approval of the next steps of the Pipeline deal. That is what I am going to spend this article discussing.

SIDENOTE- Recall that last year when this came before the Commission they also approved it to proceed at that time. The deal at that time (my articles [HERE](#) (<http://bardeblog.com/2017/08/01/summary-of-the-august-1-2017-storey-county-commission-meeting/>) and [HERE](#)) (<http://bardeblog.com/2017/11/11/summary-of-the-november-7-2017-storey-county-commission-meeting/>) basically had the future tax revenue of the companies involved (Tesla, Switch, Google, etc) paying for the \$35 Million Dollar pipeline directly thru a special Tax Increment Area.

They proposed that the revenues currently being received from the TIA would get locked in (we would continue to get those taxes and revenues now and in the future) but that any future revenue above that baseline is "incremental" and it is THAT future tax that would be used to pay for the pipeline. It was emphasized, with a straight face I might add, that the COMPANIES were going to pay for their own pipeline in this way.

I opposed it then on the basis that ANY and ALL revenue coming from TRIC belongs to the citizens of Storey County, that NO, it is not the companies paying for it, it is the citizens who pay since that revenue would not be available to the County to provide services to our communities and the people in them.

Then we heard that the state had not approved THAT financing scheme and have heard nothing until.....this meeting.

Onward.....

This meeting was awash with lawyers since the attending companies, the bond advisors, TRIC, the deal makers and the county all had representation. It started out with the presentation which you can find [HERE](#). (<https://www.dropbox.com/s/e209m2ss9a3d0cf/pipelinepres2018.pdf?dl=0>) The full "deal" detail is in the agenda packet.

County Manager Pat Whitten kicked it off with many thanks to all involved and did a little preamble about how this is not about "corporate welfare", that it is about " corporate partnership".....

The front end of the presentation talked about all of the benefits of doing this project. How it was good for Reno/Sparks, good for the businesses at TRIC, good for Northern Nevada, good for the environment. How innovative the project is from a reuse of effluent water standpoint which saves Reno/Sparks from having to build more treatment facilities to process it.

They talked about how the companies at TRIC need the water and that it would enable the Park to expand more rapidly, enabling companies to generate more taxable sales, creating more revenues for the County....in essence saying that "a rising tide lifts all boats"....ie...the better TRIC does the better the County will do revenue-wise.

They talked about water rights. TRIC will trade approximately 4000 acre feet of their water rights to Reno/Sparks for the 4000 acre feet of effluent that Reno/Sparks pushes thru the pipeline. TRIC had to buy some of those water rights in order to trade them for the effluent.

The financing people talked about the structure of the deal and the bond structure.

It is important to note that the full cost of this pipeline project is about \$150 Million dollars.

\$35 Million for the "off site" part (the pipeline) and the rest for all of the improvements that the TRI GID will need to make to store and transfer that water. So the Developer has skin in the game at the front end in the form of those improvements to the TRI GID.

SIDENOTE- This capital improvement by the GID however will likely get passed along to the users so the developer will not be on the hook for it all. This is capitalism in a free state...and it is good.

Onward..

As for the \$35 million dollar "offsite " part ..net-net, they are presenting the same deal using our tax dollars but with a couple of twists.

- -Storey County will issue \$35 million in bonds to finance the building of the pipeline from Reno/Sparks to the TRI GID . These bonds will be purchased by the state.
- – The interest rate is favorable and enough to cover any costs to the County to administer the deal... about \$240k net cashflow per year to the county to defray expenses.
- -A Special Assessment District, comprising of the companies needing the water, will be established and those companies in that SAD will be assessed a special assessment to pay for those bonds....ie pay the state back for the \$35 million dollar loan over a 20 year term
- -A special "Tax Increment Area" will also be enacted in the same area as the Special Assessment District, with the same companies, TO REIMBURSE THE COMPANIES FOR THEIR BOND PAYMENTS by using the taxes that they will pay in the future to do that. See slide HERE (<https://www.dropbox.com/s/s44e9sfq1e3qk5m/tia.pdf?dl=0>)
- -Meanwhile, it was stated that after the pipeline was built (with our tax revenues) that it would become the property of the TRI GID.

SIDENOTE- Yes, people hate it when I use all caps but this time I am justified. Read that again. The companies will be paying for their own bond (SAD) but then the county and state reimburses them for the bond payment by giving them back any taxes they pay (TIA) . It was said in the meeting that it was a great thing for the companies to be able to use their taxes to fund their own capital improvements!!

This is NOT capitalism in a free market...this is corporate welfare....uh ...I mean corporate partnership....or a shell game.

YES!!! I want to apply to the county to let me use my own taxes for capital improvements on my well which I have just paid over \$20k to get repaired. Oh... and my solar battery bank which needs to be replaced....that's infrastructure.

Oh, and the Red Dog just put in this fantastic outdoor stage, I'm sure that they would love to take their taxes and pay for that infrastructure.

And then....after the companies use their own...er...OUR taxes to build the pipeline....that pipeline goes to the TRI GID....for free....as an asset!

Once again I say.....SHOW ME THE MONEY! The county has yet to provide any forward looking projections of revenues and expenses to back up its claim that TRIC revenues in the future will be gushing forth to provide us all with a better quality of life. How can I trust that the money will be coming in if they don't do their job and due diligence to prove it to me?

Onward....

Later it was explained that, as with the first scheme, the TIA would still provide the current revenues at the baseline to the county and that it would only be future revenues that would be used to reimburse the companies.

Something that was briefly discussed but not elaborated on was the split between State tax revenue and County tax revenue that would be used to reimburse the companies for their bond payments. The use of only 50% of future sales tax and 50% of future property tax in the TIA was mentioned but there wasn't much detail given so I don't know what was being described. There is more to this than has been presented.

At the end of the presentation, Pat Whitten made the point that " it is not OUR money, in this room, that is paying for this pipeline....it is the companies own money that is paying for it."

Commission Chair Marshall McBride also said that not all of the companies out at TRIC are abated so the County will be getting increased revenues over time as they grow.

During public comment, all of the companies got up to thank the County for such a great deal and noted how it will be beneficial to them.

Statement made by Nicole Barde for the record at
Storey County Commission Meeting of August 7, 2018

Received from Nicole
8/07/2018

First I would like to state that I am in favor of this pipeline. Having worked in the semiconductor industry for 20 years I understand fully the need for water in a manufacturing process. I also understand what it takes to attract the types of high caliber companies like Tesla and Switch into a new location and so I am not opposed in principle to the offering of incentives to do that.

What I am opposed to is the continued assault on taxpayers to pay for the costs associated with the operations of corporate entities who should be bearing that burden themselves.

The State of Nevada has given epic abatements to these companies to get them here. They are enjoying tax relief that none of our small businesses enjoy in order to produce their products which we will eventually get sales tax revenues from.

Visitors who come to town are greeted with a sign proclaiming Storey County as "The Richest Place On Earth".

At the last VCTC meeting, a board member announced that Storey County is the wealthiest county in the United States per capita.

In contrast, when I attended the Community Chest's needs assessment meeting, Erik Schoen provided a contrasting view.

According to his presentation based on recent statistics from communitycommons.org:

Storey County's median age is 54...compared to 37 for the State and the US.

28% of our population is 65+ older and are on fixed incomes. This compares to 14% for Nevada and the US

Storey County has 49% of it's population designated as "food insecure" compared to 25% for the state and 29% for the US....which means after the hard expenses are paid there is little left for other necessities. 50% of our children are "food insecure"

Storey County has 7.25% of it's housing units without kitchen facilities compared to 1.93% for Nevada and 2.84% for the US.

Storey County has little to no childcare facilities accessible or affordable to it's residents.

We are not a rich county.

Our people are not rich.

So when I stand up and speak against the pilfering of our tax revenues , past, present or future I speak out because we need those revenues to help our citizens.

We've been told that we are the richest county in America. By what standard? Certainly not by the statistics I just read.

We've been told that TRI would give the county and it's resident so much revenue that we could expect a tax roll back. Empty promise.

We are not stupid...we understand that you have to spend money to make money and so we're waiting patiently for the abatements to cease so that we can have the revenues we need to provide more service to our residents.

Now you tell me that the future revenues of the abated companies are going to pay for a pipeline that only they need and only they will use. You want to use revenues that are needed to help feed, service and support our own residents to build a pipeline for some of the richest companies in Nevada?

What I want to say to those companies is this.... The state of Nevada has given you a spectacular deal...you are enjoying great tax relief....\$35 million dollars split between the key companies is the equivalent of an ATM transaction for each of you. Be generous....pay for it yourselves. Let the good people of Storey County keep our revenues so that we may better our lives.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018 Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-499 granting Historic Fourth Ward School Foundation \$120,000 for the purpose of preserving the Fourth Ward School Building and promoting the history of the Comstock and Storey County history.

2. **Recommended motion:** I move to approve Resolution 18-499 granting the Historic Fourth Ward School Foundation \$120,000 for preservation of the Fourth Ward School Building and to promote the history of the Comstock and Storey County.

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute

5. **Supporting materials:** Grant Application of Historic Fourth Ward School Foundation; Resolution No. 18-499; NRS 244.1505 NRS 372.3261

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

KL District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name:
Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

4TH WARD SCHOOL

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: Historic Fourth Ward School Foundation

Place of Incorporation: Storey County, Nevada

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

Built in 1876, the doors to this 24,000 square foot school opened to the first class in January of 1877. The Fourth Ward School was Virginia City's gift to Nevada in celebration of America's centennial. Eager to rebuild Virginia City after the great fire of 1875, residents chose the fashionable Second Empire architectural style that conveyed permanence, dignity, and prosperity. State-of-the-art for its time, the school included indoor flush toilets, a drinking fountain on each floor, forced-air heat, interior gas lights and a fire suppression system. The Fourth Ward School is home to the first two graduates from a Nevada school, Anna Herrullben and Mary O'Farrell, in the class of 1878. Built to accommodate 1,000 students, the four story, 16 classroom building had a high count of approximately 860 students in the early 1880s. A diploma from the Fourth Ward High School Department was a commodity, and its graduates were sought after for teaching positions throughout northern Nevada and California.

Due to the decline of the population in Virginia City and new federal regulations governing the construction of school buildings, the school closed in 1936. Although attempts at restoration began in the 1960s, the building remained vacant and deteriorating until it became a museum in 1986. The Fourth Ward School building has been recognized by the state and local community as a significant historic site. Over the past 30 years, over 4 million dollars in local, state, and federal funds including a Save Americas Treasures grant, has allowed for extensive stabilization and restoration of the building bringing it back to its original grand appearance. In 2004, the National Trust for Historic Preservation awarded the Historic Fourth Ward School the National Preservation Honor Award for its restoration and recognized it as a Distinctive Destination. Since becoming a non-profit 501(c)3 foundation in 2000, we have hosted over 300,000 visitors. The Fourth Ward School Museum has also become a destination for school children as part of 4th and 7th grade Nevada history curriculum.

The mission of the Historic Fourth Ward School Foundation is to connect people to the relevance and importance of the Comstock story through its authentic preservation, interactive exhibits, interpretive programs and archival resources. The current collections and records held in the Historic Fourth Ward School Museum & Archives document life on the Comstock from 1875 to current day. The collection includes photos, correspondence, maps, business records and three dimensional artifacts significant to the Fourth Ward School, life on the Comstock and their relationship to the nation. The story of the Fourth Ward School, its role as a public school in the west, its closure, the years of neglect and the public process of its preservation are records that are vital to the heritage of Nevada and to all that visit and want to learn about the west.

Identify the amount of grant funds you are requesting. One hundred and Twenty Thousand Dollars (\$120,000.)

Explain the purposes for which you will use the grant funds if awarded.

In addition to securing monies for the preservation of the county's building, we have also been successful in finding support for our programs and exhibits. During our 2017 season, we hosted over 1,800 school children, over 9,000 museum visitors and 4 facility rentals. Our membership base of 148 members highlights our broad support. Our first annual "Steppin' Back in Time" fundraising event was a huge success in both raising funds and bringing new visitors to the Fourth Ward School Museum. Our Archives & Research Center collection continues to grow with wonderful donations including over 2,000 digital photographs of the Comstock and surrounding areas, five guest books from the 1940s and 1950 that belonged to the Storey County Justice of the Peace, three wall maps that are original to the Fourth Ward School, and six original letters from teachers in the 1870s and 1880s.

During the calendar year of 2017, we secured grants and donations which will assist in the installation of seventeen (17) roof anchors around the perimeter of the upper main roof. These anchors will accomplish two main goals. First, the anchors will allow workers to safely tie-off and work around the mansard part of the roof. This section of the building requires almost constant repair work. Second, the anchors will allow work to be done without the expense of installing and removing scaffolding each time a project is done on this area. Storey County owns the Fourth Ward School building. The Foundation has a lease with Storey County, which specifies the county will provide for the maintenance of the building. In return, the Foundation will continue the restoration and use of the building, including the museum and archives.

The building and the security of everyone's investment, now totaling over 4.5 million dollars, requires the county's continued support as specified in the lease. We could not meet the requirements of our lease without Storey County fulfilling its part.

During calendar year 2017, the Foundation administered the county's support (\$95,000) for the following: Repaired and installed drainage to the north/east corner of the parking lot, replaced and repaired wiring to the fire alarm system in the north tower, replaced the roof hatch and repaired damage to the roof when the old roof hatch blew off during a wind storm. Serviced both heating boilers and replaced relief valve and tested the glycol in the boiler that heats the Wiegand Room. Replaced parts in the emergency exit signs, installed new toilet fill valves, installed a temporary drainage system at the north side of the building, replaced a damaged cover in the floor of the Historic Classroom, continued with the replacement of all building lights with LED lighting and replaced damaged boards in the boardwalk.

Ongoing repairs and maintenance included maintenance and inspection of the elevator, fire and security systems; painting and staining of balconies, doors, boardwalks, railings; oiling all wooden interior surfaces; servicing museum models; general cleaning; desk repairs; maintaining portable heaters, ceiling fans, storm windows, kitchen appliances, roller shades, toilets; application of window sill preservatives; striping parking lot; scraping and painting of shingles, exterior trim, and siding. These expenses are some of the basic operating expenses, not including

staffing the museum while open to the public.

We are now faced with repainting and restoring the exterior siding of the entire building. It was last completely painted in 1999. At that time, instead of replacing the rotting wooden siding, a bonding substance was used to hold the siding together. Now, that bonding is pulling the wood it was adhered to off and/or more rotting is occurring behind that "fix." In addition, there are numerous leaks on the third and fourth floors. During rain or snowmelt, water runs through the wall and into the interior of one of the windows in the north/west third floor classroom. Because of the multiple angles of the mansard roof, there are several leaks in the fourth floor. The gaps in the roof are substantial enough to allow snow to blow inside the building. Because part of the fix for the interior leaks will be done with the restoration of the exterior of the building, the repairs are being considered as one project. A minimum of three estimates will be sought. However, the first estimate for the entirety of the work is for \$548,763.60 from Reyman Bros. Construction. Because of the extensive cost for this restoration, I am requesting perspective contractors to provide an estimate for the work to be done in stages. The most efficient method appears to be in quarters, one side of the building at a time.

The railing on the interior staircases is pulling away from the stairs. The interior finishes throughout the building require re-shellacking, especially the windowsills and frames. Because of the historical status of the building, the Secretary of Interior's Standards restrict and guide how the shellacking must be conducted. A prior verbal estimate for repair of the interior stairs was \$40,000 and a prior verbal estimate for the interior shellacking was \$60,000.

Storey County currently grants the Historic Fourth Ward School \$95,000 per year (\$23,750.00 per quarter.) We are requesting an increase in support for the next year with an annual request of \$120,000 (\$30,000 per quarter.)

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

ARTICLES OF INCORPORATION
OF
HISTORIC FOURTH WARD SCHOOL FOUNDATION
A NON-PROFIT CORPORATION

FILED # C14562-00

MAY 24 2000

IN THE OFFICE OF
Dean Hill
DEAN HELLER SECRETARY OF STATE

The undersigned incorporator(s), in order to form a non-profit corporation under the laws of the state of Nevada, adopt the following Articles of Incorporation:

ONE: The name of this corporation is The Historic Fourth Ward School Foundation.

TWO: The name and address of the registered agent of this corporation are:

Darlene Cobbey, President

537 South C Street, P. O. Box 4

Virginia City, Nevada 89440

THREE: The specific purposes for which this corporation is organized and operated are to financially support the Historic Fourth Ward School including the restoration of the building, administration, programs, events, or activities reasonably related thereto, all within the purview of Section 501(c)(3) of the Internal Revenue of 1954 as it may be amended from time to time.

- a. The general purpose for which this corporation is formed is to operate exclusively for general, charitable, and educational purposes.
- b. This corporation shall have and exercise all rights and powers conferred on corporations under the laws of the State of Nevada, provided, however, that this corporation is not empowered to engage in any activity which, in itself, is not in furtherance of its purposes as set forth in sub-paragraphs a and b of this Article Three.
- c. No part of the net earnings, properties, or assets of this corporation, on dissolution or otherwise, shall inure to the benefit of any private person and individual or any member or director of this corporation and, on liquidation or dissolution, all properties and assets of this corporation remaining after paying or providing for all debts and obligations shall be distributed and paid over to such fund, foundation, or corporation organized and operated for charitable or educational purposes as defined in the Internal Revenue Code of 1954, as amended, as the Foundation shall determine, or, in the event of their failure to do so, to such fund, foundation, or corporation as determined by Decree of the District Courts of the State of Nevada in and for the County of Carson City, upon petition of any member or director.
- d. As a substantial part of its activities, this corporation shall not carry on propaganda or otherwise attempt to influence legislation. This corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.
- e. This corporation shall not engage, at any time, in any activities which shall violate the Internal Revenue Code of 1954, Sections 4941 through 4945, as they may exist from time to time.

FOUR: This corporation is organized pursuant to the General Non-profit Corporation Laws of the State of Nevada and, specifically, the Charitable Corporation Act of 1971.

537CC
R/OC - 72853
2510

FIVE:

- a. The powers of this corporation shall be exercised, its properties controlled, and its affairs conducted by a board to be known as the Board of Directors. The number of Directors herein provided for may be changed by a By-Law duly adopted by the members. Until so change, there shall be five (5) Directors. The method of selection of the Directors shall be set forth in the By-Laws. Directors, other than the first and second year Directors, shall serve for a term of three (3) years provided in the By-Laws.
- b. The names and addresses of the persons who are appointed to act as the first Directors for the first year are:

Darlene Cobbey, P.O. Box 13, Silver City, NV 89428
Ed Gladding, 530 California Ave, Reno, NV 89509
Pete Leonard, P.O. Box 348, Virginia City, NV 89440
Joe Curtis, P.O. Box 543, Virginia City, NV 89440
Peggy Whitten, P.O. Box 846, Virginia City, NV 89440
- c. The Board of Directors may, by two-thirds vote of that body, appoint as honorary, non-voting directors as the Board may see fit provided, however, that such honorary trustees shall be of prominent status in their community or possess a high degree of expertise in an area deemed important by the Board.

IN WITNESS WHEREOF, for the purpose of forming this non-profit corporation under the laws of the State of Nevada, we, the undersigned, constituting the incorporators of this corporation and including all of the persons named herein as the first Directors, have executed these Articles of Incorporation this 23 day of May, 2000.

STATE OF NEVADA)
) SS.
CARSON CITY)

ON THIS _____ day of _____, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared <names of trustees>, known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year hereinabove written.

NOTARY PUBLIC (SEAL)

SIX: The period of duration of this corporation is perpetual.

SEVEN: The classes, rights, privileges, qualifications, and obligations of members of this corporation are as follows:

This corporation shall have one class of membership. Any person shall be qualified to become a member upon payment of the initial dues, if any, fixed by the board of directors and shall continue as a member upon paying the annual dues, if any, fixed by the board of directors. The method and time of payment of dues shall be determined, and may be changed, from time to time, by the board of directors. Additional provisions specifying the rights and obligations of members shall be contained in the Bylaws of this corporation pursuant to, and in accordance with, the laws of this state.

EIGHT: Any additional provisions for the operation of the corporation are as follows:

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

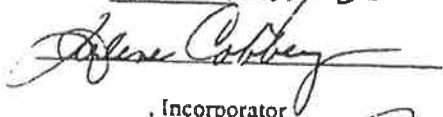
No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles.

Notwithstanding any other provision of these Articles, this corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (2) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

In any taxable year in which this corporation is a private foundation as described in Section 509(a) of the Internal Revenue Code, the corporation 1) shall distribute its income for said period at such time and manner as not to subject it to tax under Section 4942 of the Internal Revenue Code; 2) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; 3) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; 4) shall not make any investments in such manner as to subject the corporation to tax under Section 4944 of the Internal Revenue Code; and 5) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

The undersigned incorporators hereby declare under penalty of perjury that the statements made in the foregoing Articles of Incorporation are true.

Dated: 23 May 2010



, Incorporator



, Incorporator

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-499

RESOLUTION Authorizing Grant of Money to the HISTORIC FOURTH WARD SCHOOL FOUNDATION for the purpose of preserving the Fourth Ward School Building and for promoting the history of the Comstock and Storey County.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization qualifies as an organization for educational purposes if the sole or primary purpose of the organization is to (1) provide athletic, cultural or social activities for children, (2) provide displays or performances of the visual or performing arts to members of the general public, or (3) provide instruction and disseminate information on subjects beneficial to the community; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes or for educational purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5); and,

WHEREAS, the HISTORIC FOURTH WARD SCHOOL FOUNDATION is a Nevada domestic non-profit corporation operating in the State of Nevada which qualifies as a charitable and/or educational organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, the HISTORIC FOURTH WARD SCHOOL FOUNDATION desires to obtain a grant from Storey County in the amount of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) for the purpose of preserving the Fourth Ward School Building, a County-owned building, and for promoting the history of the Comstock and Storey County; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the HISTORIC FOURTH WARD SCHOOL FOUNDATION does provide cultural or social activities for children, does provide displays of visual arts to members of the general public and does provide instruction and information on subjects beneficial to the community, and

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to the Historic Fourth Ward School Foundation the sum of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) to be expended for the specific purpose of preserving the Fourth Ward School Building and for promoting the history of the Comstock and Storey County.

ADOPTED this 18 day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 15 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-500 granting Community chest Inc. \$234,492.00 for the purpose of funding health and human services programs.

2.

2. **Recommended motion:** I move to approve Resolution 18-500 granting Copmmunity Chest Inc. \$234,492.00 for health and human services programs.

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute

5. **Supporting materials:** Grant Application of Community Chest Inc.; Resolution No. 18-500; NRS 244.1505; NRS 372.3261

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ KL District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name:

Other agency review: _____

9. **Board action:**

[] Approved
[] Denied

[] Approved with Modifications
[] Continued

Agenda Item No.

COMMUNITY CHEST INC.

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: Community Chest, Inc.

Place of Incorporation: Virginia City, NV in 1991

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

Community Chest's mission is to act as a catalyst for change and a center for resources to "help people help themselves" as together we build strong and healthy families and communities. To meet this mission, we try to model a new way of doing business that puts people first and gives equal voice to all, regardless of age, gender, ethnicity, social position, or education.

The various activities with which we manifest our mission include the provision of a wide variety of health and human services related programs including programs for children and youth of all ages from pre-natal through post-high school; comprehensive substance abuse and mental health counseling; domestic violence advocacy; primary healthcare services; in-home case management programs; food bank; holiday angel tree(s);the Storey County library; and, more.

Identify the amount of grant funds you are requesting. **\$234,492.00**

Explain the purposes for which you will use the grant funds if awarded.

As we have done historically, we would use any grant funds for general support, healthcare, and library services.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
PO BOX 36001 STOP: SF-4-4-46
SAN FRANCISCO, CA 94102

DEPARTMENT OF THE TREASURY

Date: MAY 04 1992

COMMUNITY CHEST INC
UNIVERSITY STATION
P O BOX 8876
RENO, NV 89507

Employer Identification Number:
88-0266600

Contact Person:
ROLAND FORTIER

Contact Telephone Number:
(415) 556-0919

Accounting Period Ending:
December 31

Form 990 Required:
Yes

Addendum Applies:
NO

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not

COMMUNITY CHEST INC

necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

COMMUNITY CHEST INC

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michael J. Quinn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael J. Quinn
District Director

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-500

RESOLUTION Authorizing Grant of Money to COMMUNITY CHEST INC. for the purpose of funding health and human services programs.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

See NRS 372.3261(5); and,

WHEREAS, COMMUNITY CHEST INC. is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, COMMUNITY CHEST INC. desires to obtain a grant from Storey County in the amount of TWO HUNDRED THIRTY FOUR THOUSAND FOUR HUNDRED NINETY TWO DOLLARS (\$234,492.000) for the purpose of funding health and human services programs ; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to COMMUNITY CHEST INC. the sum of TWO HUNDRED THIRTY FOUR THOUSAND FOUR HUNDRED NINETY TWO DOLLARS(\$234,492.00) for the specific purpose of funding health and human services programs.

ADOPTED this 18 day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 15 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-504 granting Liberty Engine Company No. 1 Inc. the sum of \$10,000.00 for the purpose of preserving the Comstock Firemen's Museum. and its historic contents.

2. **Recommended motion:** I move to approve Resolution 18-504 granting the Liberty Engine Company No. 1 Inc. the sum of \$10,000.00 for the purpose of preserving the Comstock Fireman's Museum. and its historic contents.

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute

3. **5. Supporting materials:** Grant Application of Liberty Engine Company No. 1 Inc.; Resolution No. 18-504; NRS 244.1505 NRS 372.3261

6. **Fiscal impact:**

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:**

__KL__ District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name:

Other agency review: _____

9. **Board action:**

[] Approved
[] Denied

[] Approved with Modifications
[] Continued

Agenda Item No.

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

Ê to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-504

RESOLUTION Authorizing Grant of Money to LIBERTY ENGINE COMPANY NO 1 INC. for the purpose of preserving the Comstock Firemen's Museum, county owned building while protecting, preserving and displaying the original fire-fighting equipment of Virginia City and Storey County.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

See NRS 372.3261(5); and,

WHEREAS, LIBERTY ENGINE COMPANY NO 1 INC. is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, LIBERTY ENGINE COMPANY NO 1 INC. desires to obtain a grant from Storey County in the amount of TEN THOUSAND DOLLARS (\$10,000.00) for the purpose of preserving the Comstock Firemen's Museum, a county owned building while protecting, preserving and displaying the original fire-fighting equipment of Virginia City and Storey County.; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to LIBERTY ENGINE COMPANY NO 1 INC. the sum of TEN THOUSAND DOLLARS (\$10,000.00) for the specific

purpose preserving the Comstock Firemen's Museum and for the purpose of protecting, preserving and displaying the original fire-fighting equipment of Virginia City and Storey County.

ADOPTED this 18th day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer

LIBERTY ENGINE COMPANY NO. 1 INC.

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: **Liberty Eng. Co. No. 1 / Comstock Firemen's Museum**

Place of Incorporation: Nevada, 501c3

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

The Comstock Firemen's Museum was founded to protect, preserve and display the original fire-fighting equipment of Virginia City. It was rescued from a burning county building in 1976. The Fire Museum, since 1976, has collected and preserved general Comstock fire history of Storey County and Virginia City. The building housing the museum is owned by Storey County and leased to the Museum. We conduct visits for school children and off historical lectures on the subjects. It is a 501c3 non-profit, Nevada Corporation. It was founded as a sub-corp. of the Storey County Volunteer Fire Department. There are no paid administrative staff that oversee the Museum. We do hire part-time persons in the summer open months to keep the museum open for visits and to sell our fire related gifts to help fund the continued operation of the museum. There is a nine member board of directors that oversees the museum and a volunteer staff of two that do maintenance and bookkeeping.

Identify the amount of grant funds you are requesting. **\$10,000.00**

Explain the purposes for which you will use the grant funds if awarded.

Grant funding is used for maintenance and upkeep of the county owned building. We also maintain a building fund in the hope of a future expansion of the structure for additional artifacts and equipment that are currently in storage.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 27 1998

Employer Identification Number:
88-0156146

DLN:
318057324

LIBERTY ENGINE COMPANY NO 1 INC
PO BOX 466
VIRGINIA CITY, NV 89440-0466

Contact Person:
PATRICE WHANG
Contact Telephone Number:
(415) 522-6053
Addendum Applies:
Yes

Dear Applicant:

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in 501(c)(3) is still in effect.

This classification is based on the assumption that your operations will continue as you have stated. If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status.

This supersedes our letter dated 7/29/97 and 1/28/98.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

You are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. For guidance in determining whether your gross receipts are "normally" more than \$25,000, see the instructions for Form 990. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not

Letter 1078 (DO/CG)

LIBERTY ENGINE COMPANY NO 1 INC

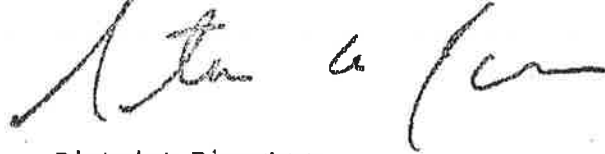
exceed \$50,000. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John A. [unclear]", written in a cursive style.

District Director

LIBERTY ENGINE COMPANY NO 1 INC

We have determined that you are a publicly supported organization of the type described in Section 509(a)(1) and 170(b)(1)(A)(vi) as opposed to Section 509(a)(2) of the Code. This change does not affect your exempt status as an organization described in section 501(c)(3) of the Code, your non-private foundation status, or your filing requirements.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-505 granting the Mark Twain Community Center the sum of \$25,000.00 for the purpose of preserving the Mark Twain Community Center and for community outreach and improvement.
2. **Recommended motion:** I move to approve Resolution 18-505 granting the Mark Twain Community Center the sum of \$25,000.00 for the purpose of preserving the Mark Twain Community Center and for community outreach and improvement.
- 3.
3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute
4. **5. Supporting materials:** Grant Application of Mark Twain Community Center; Resolution No. 18-505; NRS 244.1505 NRS 372.3261
6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ KL District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name:
Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

MARK TWAIN COMMUNITY CENTER

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: Mark Twain Community Center

Place of Incorporation: Mark Twain Estates, Storey County, Nevada

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

The Mark Twain Community Center is a non-profit organization supported by volunteer community members who are dedicated to the enhancement and increase the use and a full functioning center to improve the quality of life for the small community which is distanced from the county center.

Identify the amount of grant funds you are requesting. \$25,000.00

Explain the purposes for which you will use the grant funds if awarded.

The goal of the MTCC is to become a community outreach and a liaison to the county for the purpose of promoting and enhancing the quality of life in Mark Twain. Our distance from Virginia City and Dayton proper, often leads to an isolated pocket for help and services. The goal this year is to make the citizens aware of services and to prepare for an emergency.

Programs we would like to consider:

1. Plan disaster preparedness
2. Health clinic 1 – 2x a month
3. How lunch meal program 3 – 5 days a week to work with the food delivery of Mustang Cares.
4. Dietary and food preparing programs for seniors and children.
5. To have an after school programs for students.
6. Clean up the basketball court for an outdoor program.
7. Clean up the park updating the equipment for the children
8. Continue to have our on-going programs the GS, BS, NA, AA
9. Introduce a senior program
10. Also perhaps introduce a Veterans Program
11. Also to continue maintenance and enhancement our Veterans Memorial.

12. Also improvements to the community center, such as our flooring, and look for mechanical ways to improve the access to the upper level for seniors to expand our programs.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

Date: JUL 31 2014

MARK TWAIN COMMUNITY CENTER
500 SAM CLEMENTS ST
DAYTON, NV 89403

DEPARTMENT OF THE TREASURY

Employer Identification Number:
46-3270815

DLN:

17053009353014

Contact Person:

DANIEL RENNER

ID# 31697

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

June 30

Public Charity Status:

170(b)(1)(A)(vi)

Form 990 Required:

Yes

Effective Date of Exemption:

March 28, 2014

Contribution Deductibility:

Yes

Addendum Applies:

No


Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-505

RESOLUTION Authorizing Grant of Money to MARK TWAIN COMMUNITY CENTER for the purpose of maintaining the Mark Twain Community Center, a county owned building while providing community outreach and enhancement.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

NRS 372.3261(5); and,

WHEREAS, the MARK TWAIN COMMUNITY CENTER is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, MARK TWAIN COMMUNITY CENTER desires to obtain a grant from Storey County in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for the purpose of maintaining the Mark Twain Community Center, a county owned building, while providing community outreach and enhancement ; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to MARK TWAIN COMMUNITY CENTER the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) for the specific purpose preserving the Mark Twain Community Center and for community outreach and enhancement.

ADOPTED this 18 day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-506 granting the Nevada Rural Counties RSVP Program Inc. the sum of \$7,050.00 for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers.
2. **Recommended motion:** I move to approve Resolution 18-506 granting the Nevada Rural Counties RSVP Program Inc. the sum of \$7,050.00 for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers
- 3.
3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute
4. **5. Supporting materials:** Grant Application of Nevada Rural Counties RSVP Program Inc.; Resolution No. 18-506; NRS 244.1505 NRS 372.3261
6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ KL ____ District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name: _____
Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-506

RESOLUTION Authorizing Grant of Money to NEVADA RURAL COUNTIES RSVP PROGRAM INC. for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

See NRS 372.3261(5); and,

WHEREAS, the NEVADA RURAL COUNTIES RSVP PROGRAM INC. is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, NEVADA RURAL COUNTIES RSVP PROGRAM INC. desires to obtain a grant from Storey County in the amount of SEVEN THOUSAND FIFTY DOLLARS (\$7,050.00) for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to NEVADA RURAL COUNTIES RSVP PROGRAM INC. the sum of SEVEN THOUSAND FIFTY DOLLARS (\$7,050.00) for the specific purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers.

ADOPTED this 18th day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: Nevada Rural Counties RSVP Program, Inc.

Place of Incorporation: Carson City, Nevada

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

The Nevada Rural Counties RSVP Program, Inc. (RSVP) is a self-sponsored 501(c)(3) organization with a volunteer Board of Directors that has been serving rural Nevada counties for over 43 years. RSVP has a demonstrated record of outstanding service which has improved the lives of seniors and strengthened communities through service and volunteering; and helped Nevada's elders remain independent at home where they can age in place, maintain a healthy quality of life, and remain a vital part of their communities.

RSVP's Mission is to help frail, homebound, and low-income seniors remain independent by providing high quality programs which allow them to stay in their homes with dignity. Additionally, RSVP coordinates a volunteer network of seniors who use their skills and talents to provide support to community agencies and address community needs through service.

RSVP's direct service programs are part of a care-partnership with the care recipient at the center of the relationship. The family, volunteers, healthcare professionals and the community all work together to provide for one another in the partnership.

RSVP volunteers are carefully cultivated and supported, and well prepared for their assignments with orientation and ongoing trainings. Services for care recipients include assistance with everyday needs such as escorted door-to-door transportation for medical/dental visits, to pick up prescriptions, socialization activities, or grocery shopping; respite care; companionship; pro-bono legal services; homemakers; access to food pantries, commodity food distribution, and farmer's market coupons; personal emergency response systems; resistance exercise training; veterans assistance; and providing volunteers to assist agencies to achieve their goals.

Identify the amount of grant funds you are requesting. (\$ 7,050).

Explain the purposes for which you will use the grant funds if awarded.

Our funding request of \$7,050 will support the continuation and initiation of essential programs for Storey County seniors, Veterans, adults with disabilities and caregivers who come to us for help.

With the addition of our new Field Rep. in Lockwood/River District we will work to identify and recruit volunteers to assist more elders utilizing the full complement of our available programs.

The Project is a comprehensive and collaborative approach for Storey County seniors which offers essential and life-saving activities, as follows:

(1) Independent Living Programs:

- Home Companion Program - provides essential daily services such as talking to and spending time with seniors. Volunteers provide the emotional support, socialization, and human contact that is necessary for the homebound elderly.
- Lifeline emergency response system – provides an emergency response system that gives immediate access to emergency services.
- Homemaker Services – provides frail homebound seniors assistance with housekeeping such as dusting, kitchen and bathroom cleaning, floor maintenance, laundry and linen changing.
- Respite Care Program - provides 24/7 caregivers who are exhausted, overwhelmed and stressed with regular breaks to provide relief and help them continue the care of their loved ones who are elderly as well as care for adults with a disability. Volunteers provide breaks 2 to 4 hours or more per week.
- Transportation Program - provides escorted door-to-door safe transportation for seniors and disabled persons giving them access to critical services including medical appointments, prescription/pharmacy pick up, grocery shopping, and socialization or wellness events.
- CARE Law Program - provides pro bono legal services for eligible seniors. Areas include estate planning, durable power of attorney, wills, guardianships, Medicare, Medicaid, help with debt problems, probate issues and elder abuse issues.
- Veterans "Volunteers in Partnership" - provides veterans with access to services, RSVP's Independent Living programs, and works with the NV Office of Suicide Prevention for suicide awareness.
- Resistance Exercise Program - provides light weights training; helping to keep seniors active and healthy, improving mobility, cognitive ability, and muscle strength.
- Farmer's Market Nutrition Program - provides free coupons each summer for fresh fruits and vegetables, serving as a nutritional supplement for eligible seniors.

(2) Volunteer Stations:

- Community volunteer stations -- RSVP volunteers provide a variety of services to Federal, State, and local government agencies; non-profits; and health care facilities.
- New volunteers receive orientation and training from Program staff before being placed at a volunteer station. Volunteers attend annual elder abuse and driver's education and safety training. Annual and quarterly training events provide volunteers with engaging speakers and information about how to work with elderly clients on a wide variety of topics ranging from elder abuse, Alzheimer's disease, communication skills, COPD, diabetes, dealing with different personality types, CPR training, legal issues relating to senior citizens, and much more so that volunteers can continue to provide high quality in-home companionship, Respite care, escorted transportation, and Lifeline emergency response telephone system installations and maintenance services to frail, homebound seniors.

RSVP's Independent Living programs assist care recipients (clients) to remain self-sufficient and in their own homes with dignity where they are happiest and healthiest, thus avoiding costly and premature institutionalization. These services contribute to their overall wellbeing and provide access to services that they would otherwise not have access to because of no family supports, and lack of funds to pay for the additional help needed to remain self-sufficient.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

FILED
THE OFFICE OF THE
SECRETARY OF STATE OF THE
STATE OF NEVADA

JUL 16 1992

ARTICLES OF INCORPORATION
OF THE
NEVADA RURAL COUNTIES RSVP PROGRAM, INC.

JVL A. LAU SECRETARY OF STATE

7656-92 *LAU* KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, all of whom are citizens and residents of the State of Nevada, have this day voluntarily associated ourselves together for the purpose of organizing a corporation, not formed for pecuniary profit, and without capital stock, under the laws of the State of Nevada, that is, Sections 82.006 to 82.690, inclusive, Nevada Revised Statutes,

AND FURTHER, being desirous of becoming the sponsor required by the federal agency called ACTION to assume the administration and financing of the Nevada Rural Counties RSVP Program now based in Carson City, Nevada,

AND FURTHER, being desirous of coming under the provisions of Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), to obtain federal tax exempt status,

WE DO HEREBY ASSOCIATE OURSELVES, and make, subscribe and agree to the following:

ARTICLE I

a. THE NAME OF THE CORPORATION. The name of the Corporation shall be the Nevada Rural Counties RSVP Program, Inc.

b. PRINCIPAL PLACE OF BUSINESS. The principal place of business shall be located in Carson City, Nevada.

ARTICLE II

RESIDENT AGENT. The name of the natural person or corporation designated as the corporation's resident agent, and the resident agent's street address where it maintains an office for service of process, are as follows:

Janice R. Ayres
801 N. Division St.
Carson City, NV. 89703

ARTICLE III

TYPE OF CORPORATION. That this corporation is a non-profit corporation.

ARTICLE IV

a. GENERAL PURPOSES OF THE CORPORATION. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on by the corporation, are:

1. To provide the SPONSORING AGENCY authorized and required under TITLE II of the DOMESTIC VOLUNTEER SERVICES ACT OF 1973, AS AMENDED (PUBLIC LAW 93-113), for the benefit of the Nevada Rural Counties RSVP Program, based in Carson City, Nevada.

That the corporation may engage in any lawful activity, subject to any expressed limitations expressed herein, within the objects or purposes of this corporation, and as allowed under the Nonprofit Corporation Law of the State of Nevada.

~~b. FEDERAL ACTION REQUIREMENTS.~~ Said corporation shall have all the powers and responsibilities established by the federal agency ACTION, shall assume administration of, and manage the Nevada Rural Counties RSVP Program in a way that ensures fiscal and programmatic quality controls, compliance with ACTION policies and procedures, and accomplishment of stated goals. This corporation may not delegate or contract this responsibility to another entity without the prior approval of ACTION.

c. FEDERAL INTERNAL REVENUE REQUIREMENTS. Said corporation is organized exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in its Articles of Incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE V

GOVERNING BOARD. The members of this corporation shall be the officers and members of the Board of Directors, and the business affairs of the corporation shall be managed by the Board of Directors, who shall have the responsibility of establishing policies for the corporation. The Board of Directors shall consist of 5 members.

The number, names and post office addresses, residence or business of the first board of directors, are the following:

1. Katherine MacDonald
1521 Pinto Ct.
Carson City, NV. 89701
2. Jerry Thurman
308 N. Curry, #105
Carson City, NV. 89703
3. Frank Sharp
P.O. Box 2023
Carson City, NV. 89702
4. John Barlow
1182 Kenny Way
Carson City, NV. 89701
5. Charles Daniels
2898 Hwy. 50 East
Carson City, NV. 89701

ARTICLE VI

BY-LAWS. The corporation shall have the power to adopt by-laws prescribing the duties of the officers and agents of the corporation, detailed organization and procedures of the corporation, the time and manner of its meetings, and any and all details incident to its organization and the efficient conduct and management of its affairs. Such by-laws of the corporation shall, thereafter, be amended only by an affirmative vote of the majority of the members of the board of directors.

ARTICLE VII

INCORPORATORS. The names and post office addresses, residence or business, of each of the incorporators signing the articles of incorporation are as follows:

1. Katherine MacDonald
1521 Pinto Ct.
Carson City, NV. 89702
2. Jerry Thurman
308 N. Curry, #105
Carson City, NV. 89703
3. Frank Sharp
P.O. Box 2023
Carson City, NV. 89702
4. John Barlow
1182 Kenny Way
Carson City, NV. 89701
5. Charles Daniels
2898 Hwy. 50 East
Carson City, NV. 89701

ARTICLE VIII

PERPETUAL EXISTENCE. The corporation is to have a perpetual existence.

IN WITNESS WHEREOF, we have hereunto set our hands as Incorporators, this date: July 15, 1992

<u>Katherine MacDonald</u>	Katherine MAC DONALD
<u>Jerry Thurman</u>	JERRY THURMAN
<u>John Barlow</u>	JOHN BARLOW
<u>Charles Daniels</u>	CHARLES DANIELS
<u>Frank Sharp</u>	FRANK SHARP

STATE OF NEVADA
CARSON CITY

)
; SS
)

On this date: July 15, 1992, before me,
the undersigned, a Notary Public, personally appeared.

1. Katherine MacDonald
2. Jerry Thurman
3. Frank Sharp
4. John Barlow
5. Charles Daniels

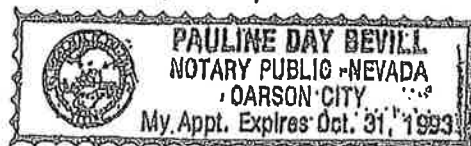
known to me to be the persons described in and who executed the foregoing ARTICLES OF INCORPORATION, and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS MY HAND AND OFFICIAL SEAL.

Pauline Day Devill
NOTARY PUBLIC

RECEIVED
JUL 16 1992

SECRETARY OF STATE





Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 15 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-507 granting the Storey County Senior Citizens Center the sum of \$135,000.00 for the purpose of maintaining the Storey County Senior Center and for providing programs and services to seniors to promote independent and healthy lifestyles
2. **Recommended motion:** I move to approve Resolution 18-507 granting the Storey County Senior Citizens Center the sum of \$135,000.00 for the purpose of maintaining the Storey County Senior Center and for providing programs and services to seniors to promote independent and healthy lifestyles

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute
5. **Supporting materials:** Grant Application of Storey County Senior Citizens Center.; Resolution No. 18-506; NRS 244.1505 NRS 372.3261

6. **Fiscal impact:**

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:**

___KL___ District Attorney

8. **Reviewed by:**

___ Department Head
___ County Manager

Department Name:
Other agency review: _____

9. **Board action:**

[] Approved
[] Denied

[] Approved with Modifications
[] Continued

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-507

RESOLUTION Authorizing Grant of Money to the STOREY COUNTY SENIOR CITIZEN'S CENTER for the purpose of maintaining the Storey County Senior Center, a county owned building, while providing programs and services to seniors to promote independent and healthy lifestyles.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

See NRS 372.3261(5); and,

WHEREAS, the STOREY COUNTY SENIOR CITIZEN'S CENTER is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, STOREY COUNTY SENIOR CITIZEN'S CENTER desires to obtain a grant from Storey County in the amount of ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00) for the purpose of maintaining the Storey County Senior Center, a county owned building, while providing programs and services to seniors to promote independent and healthy lifestyles; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to STOREY COUNTY SENIOR CITIZEN'S CENTER the sum of ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00) for the specific purpose of maintaining the Storey County Senior Center, while providing programs and services to seniors to promote independent and healthy lifestyles.

ADOPTED this 18th day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer

STOREY COUNTY SENIOR CENTER

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: Storey County Senior Center

Place of Incorporation: Virginia City, Nevada

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

The Storey County Senior Center supports and enriches the lives of Storey County seniors by providing programs and services that promote independent and healthy lifestyles. The nutrition program is the only program of its kind in the area.

Identify the amount of grant funds you are requesting. \$135,000.00

Explain the purposes for which you will use the grant funds if awarded.

Any grant funding that is provided will go to things that are needed in the senior center and range from kitchen equipment, vehicles, updating out of date supplies.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

1 ARTICLES OF ASSOCIATION
2 OF
3 STOREY COUNTY SENIOR CITIZENS CENTER
4 A COOPERATIVE ASSOCIATION
5

6 KNOW ALL MEN BY THESE PRESENTS:

7 That we, the undersigned, being all of lawful age and citizens of the United States and of the
8 State of Nevada, do hereby associate ourselves together for the purpose of forming a cooperative
9 association, to conduct, maintain and operate a Senior Citizens Center in the County of Storey, State
10 of Nevada, under and pursuant to Sections 81.170 through 81.270 inclusive, of the Nevada Revised
11 Statutes and do hereby certify:

12 ARTICLE 1: The name of the association shall be:

13 STOREY COUNTY SENIOR CITIZEN CENTER

14 ARTICLE 2: The association shall not have or issue any capital stock and is formed for the
15 purpose of promoting association of its members for their mutual welfare and for business,
16 education, industrial, benevolent, or social purposes, although not conducted for profit.

17 ARTICLE 3: The private property of the members of this association shall not be liable for
18 its debts or any judgments entered against the association.

19 ARTICLE 4: The business of the association shall be conducted at its principal office at the
20 Senior Citizens Center in Virginia City, Storey County, Nevada.

21 ARTICLE 5: The existence of this association is to be for a term of fifty (50) years, unless
22 sooner dissolved according to the law. In the event of dissolution of this association, existing funds
23 shall be returned to Storey County and/or Division of Aging Services.

24 ARTICLE 6: The governing body of this association shall be styled Directors and shall be
25 seven (7) in number. The names and residences of those selected for the first year shall be as
26 follows:

27 Kathryn W. Douglass, Resident Agent, 424 South B Street, #D, Virginia City, Nevada 89440

28 Barbara Smith, Chairman of the Board, 28 Stewart Street, Virginia City, Nevada 89440

1 Janet Perry, Secretary, 53 Stewart Street, Virginia City, Nevada 89440

2 Doreen Bacus, Treasurer, 99 Toll Road, Virginia City, Nevada 89440

3 Dorothy Crider, 61 North B Street, Virginia City, Nevada 89440

4 Doris J. Jones, 3250 Cartwright Road, Virginia City Highlands, NV 89521

5 Janice Kincaide, 220 South P Street, Virginia City, Nevada 89440

6 Rose Hessemer, 21655 Palomino Road, Virginia City Highlands, Nevada 89521

7 ARTICLE 7: The amount which each member shall pay upon admission as a membership
8 fee is the sum of ONE DOLLAR (\$1.00) and each member signing the articles has actually paid such
9 sum.

10 ARTICLE 8: The interest and right of each member in this association shall be equal.

11 ARTICLE 9: The bylaws of this association shall be adopted by the Directors named in the
12 articles of association and by the membership of the association and may thereafter be amended or
13 repealed by any means provided in the bylaws.

14 In witness whereof those persons forming this association have hereunto set their hands, this

15 12th day of May, 2005.

16 Kathryn W. Douglass
KATHRYN W. DOUGLASS

17 Barbara Smith
BARBARA SMITH

18 Janet B. Perry
JANET PERRY

19 Doreen Bacus
DOREEN BACUS

20 NOT AVAILABLE
DOROTHY CRIDER

21 Doris J. Jones
DORIS J. JONES

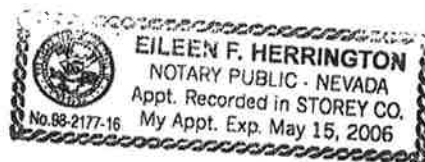
22 Janice Kincaide
JANICE KINCAIDE

23 NOT AVAILABLE
ROSIE HESSEMER

On this 12th day of May, 2005, before me, the undersigned, a notary public in and for the County of Storey, State of Nevada, duly commissioned and sworn, personally appeared Kathryn W. Douglass, Barbara Smith, Janet Perry, Doreen Bacus, Dorothy Crider, Doris J. Jones, and Janice Kincaide, and Rosie Hessemer known to me (or proved to me) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the
County of Storey, State of Nevada, the day and year of this certificate first written above.


NOTARY PUBLIC



SECRETARY OF STATE



CORPORATE CHARTER

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that **STOREY COUNTY SENIOR CITIZENS CENTER**, did on December 6, 2005, file in this office the original Articles of Incorporation; that said Articles of Incorporation are now on file and of record in the office of the Secretary of State of the State of Nevada, and further, that said Articles contain all the provisions required by the law of said State of Nevada.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on December 15, 2005.

Dean Heller

DEAN HELLER
Secretary of State

By

[Signature]
Certification Clerk

NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

Ê to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9-18-2018

Estimate of time required: 5 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Discussion/Possible Action regarding Resolution No. 18-508 granting the St. Mary's Art Center, a non-profit entity, the sum of \$60,000.00 for the purpose of preserving the St. Mary's Art Center, a County-owned building and supporting arts and culture through education and cultural offerings
2. **Recommended motion:** I move to approve Resolution 18-508 granting the St. Mary's Art Center Inc. the sum of \$60,000.00 for the purpose of preserving the St. Mary's Art Center, a County-owned building and supporting arts and culture through education and cultural offerings

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** Under NRS 244.1505 a grant of money to a non-profit organization must be made by resolution of the Board of County Commissioners which specifies the purpose of the grant and any conditions imposed on the expenditure of the granted money. The proposed Resolution meets the requirements of the statute

3. **5. Supporting materials:** Grant Application of St. Mary's Art Center Inc.; Resolution No. 18-508; NRS 244.1505 NRS 372.3261

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ KL District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name:
Other agency review: _____

9. **Board action:**

[] Approved
[] Denied

[] Approved with Modifications
[] Continued

NRS 372.3261 Requirements for organization created for religious, charitable or educational purposes.

1. For the purposes of NRS 372.326, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS;
and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

RESOLUTION NO. 18-508

RESOLUTION Authorizing Grant of Money to ST. MARY'S ART CENTER for the purpose of preserving the St. Mary's Art Center, a county owned building, and supporting arts and culture through education and cultural offerings.

WHEREAS, NRS 244.1505 authorizes a Board of County Commissioners to grant money to a nonprofit organization created for religious, charitable or educational purposes to be expended for an authorized purpose; and

WHEREAS, a grant to a non-profit organization must be made by a resolution of the board of county commissioners which must specify the purpose of the grant and any conditions imposed upon the expenditure of the granted moneys; and,

WHEREAS, an organization qualifies as an organization for charitable purposes if the sole or primary purpose of the organization is to advance a public purpose or provide services that are otherwise required to be provided by a local government and the organization is operating in this state, See NRS 372.3261; and,

WHEREAS, an organization that qualifies as an organization for charitable purposes must also meet the requirements that:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and,

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

NRS 372.3261(5); and,

WHEREAS, the ST. MARY'S ART CENTER is a Nevada domestic non-profit corporation operating in the State of Nevada which otherwise qualifies as a charitable organization authorized to receive grants from the County for a public purpose; and,

WHEREAS, ST. MARY'S ART CENTER desires to obtain a grant from Storey County in the amount of SIXTY THOUSAND DOLLARS (\$60,000.00) for the purpose of preserving the St. Mary's Art Center, a county owned building, and supporting arts and culture through education and cultural offerings; and,

WHEREAS, the use of the money for the purposes identified does serve a public purpose; and,

WHEREAS, the Board of County Commissioners of Storey County has previously appropriated funds for the requested grant by approval of the County budget;

NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;

The Board of County Commissioners of Storey County does hereby grant to ST. MARY'S ART CENTER the sum of SIXTY THOUSAND DOLLARS (\$60,000.00) for the specific purposes of preserving the St. Mary's Art Center, and supporting arts and culture through education and cultural offerings.

ADOPTED this 18 day of SEPTEMBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

By: _____
MARSHALL McBRIDE, Chairman

ATTEST:

VANESSA STEPHENS
Storey County Clerk/Treasurer

APPLICATION FOR GRANT FUNDS

Pursuant to NRS 244.1505, a board of county commissioners is authorized to provide money to non-profit organizations created for religious, charitable or educational purposes. The organizations requesting grant funds must meet the requirements set forth below.

1. REQUIREMENTS FOR ALL ORGANIZATIONS

In order to qualify as a religious, charitable or educational organization authorized to receive moneys from the boards of county commissioners, the organization must meet all of the following requirements:

- (a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;
- (b) The business of the organization is not conducted for profit;
- (c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;
- (d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and
- (e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization. See NRS 372.3261(5).

2. CHARITABLE ORGANIZATIONS

A qualifying **charitable** organization is one for which:

- (a) The sole or primary purpose of the organization is to:
 - (1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

3. EDUCATIONAL ORGANIZATIONS

A qualifying **educational** organization is one for which:

(a) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

4. RELIGIOUS ORGANIZATIONS.

A qualifying **religious** organization is one for which:

(a) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established

by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

APPLICANT INFORMATION:

Name of Organization: *St. Mary's Art Center*

Place of Incorporation: *Storey County*

Attach a copy of your Articles of Incorporation or other document demonstrating compliance with requirements applicable to all organizations.

Explain the purpose of your organization and how it meets the requirements for a charitable, educational or religious purpose.

St. Mary's Art Center is a 501-c3 non-profit with a primary mission to support arts and culture through education and cultural offerings. We are funded through Storey County's consistent and critical annual support, grants, donations, fundraisers, art sales and property rentals for creative groups and special events.

We are proud to have partnered with other local non-profits such as the Historic Fourth Ward School Museum, Senior Center, Cemetery Foundation, Community Chest and Piper's Opera House, among others, to work toward a common goal of collaborating, expanding and expanding our services and programs to the communities and visitors.

We offer creative spaces for children, professional and novice artists to come, stay, learn and create through individual creation, classes, workshops, residencies or retreats. Our facilities include seven art galleries, one historical exhibition (coming in April 2018), sixteen guest rooms, two kitchens, five and a half baths, an art studio, print room and photography dark room.

-
- *Imaginations Children's Art Programs*
 - *Professional Art Classes, Workshops and Retreats*
 - *Art Galleries with Three Rotating Exhibitions per Year*
 - *Permanent Historical Exhibition/Museum Exhibit (opening April 2018)*
 - *Historical and Art Tours*
 - *Art Receptions, Art Talks, Holiday Faire*
 - *Artist Residency Programs*
-

- *Community Events & Classes (Easter Egg Hunt, Halloween Trick or Treat with Crafts, Canvas & Cocktails, Culinary Classes with Chef Pete, etc.)*
-

OUR MISSION:

"To build upon our art and cultural achievement by nurturing and supporting artists, strengthening existing cultural programs throughout the region and introducing new ventures that will enable us to continue as a vibrant arts destination with strong links to our unique history."

Identify the amount of grant funds you are requesting. *Sixty Thousand Dollars (\$60,000.00).*

Explain the purposes for which you will use the grant funds if awarded.

Our organization is located within the former St. Mary Louise Hospital and Storey County Hospital, owned by Storey County. This four story, 1876 historical building requires a significant amount of ongoing maintenance and restoration to preserve the property.

Additionally, our programs provide a myriad of ways for the community and tourists to enjoy the art center at minimal cost to ensure it is accessible. Our 2018 and onward goals include expanding the programs we offer to those that may need financial support or relief. Art, culture and history are cornerstones in Virginia City and the Comstock and we aim to expand our Imaginations Children's Programs and Artist Residency Program offerings and make them even more accessible.

We request Storey County funding support for the following items:

- 1) Support operational expenses such as utilities, insurance, building and property maintenance, repairs and other expenses required to keep open, care for and protect this important historical property.*
- 2) Allow us to focus more of our program and donation revenue on program expansions, opening additional opportunities to the community and artists to enjoy the programs mentioned above as well as personnel employment expenses, rather than primarily applying our limited program revenues to repairs and restoration of the building which is owned by Storey County.*
- 2) Address items that will be defined and prioritized through the Limited Structure Report to be generated by Melvin Green & Associates as part of the 2017-2018 SHPO/Storey County Grant.*

Examples of Anticipated Items on the Limited Structures Report (not included in the current 2017-2018 SHPO Grant and Storey County Scope of Work), but which will also need to be addressed, even if not included in the Report:

- a) Window Repair and Restoration: Several of the windows have broken panes and the frames are deteriorating badly. Significant work needs to be done to ensure these windows are salvaged and in proper working order.*
- b) Patch and paint the exterior woodwork such as the 4th floor clapboard siding, doors and windows.*
- c) Re-point weak brick and mortar sections of the building exterior, including brick chimney deterioration and crumbling which has recently begun to come down onto the ground during high winds.*
- d) Replace and/or repair the original wood kitchen floors (or worst boards) which are no longer able to be refinished and are at extreme risk of breaking through when walked upon. Two boards have broken recently from walking traffic.*
- e) Repair and improve two of the original bathrooms which have significant plumbing challenges such as unstable fixtures, leaks and exposed piping.*
- f) Consider additional security equipment measures for specific and regulated card access. This is important as we have valuable assets, multiple guests and visitors throughout the year and for Storey County IT whom is currently occupying space on the 4th floor and has considerable and valuable assets in the building.*

3) Address any other critical emergencies or repairs within the building that may not be included in the Limited Structures Historical Report (some mentioned above in #2)

We truly appreciate Storey County's ongoing support of our organization and this incredible historical property.

We thank you in advance for your consideration of continuing this support and allowing us to be stewards of this gemstone in the community. The last year has seen remarkable changes within the property such as the newly paved driveway and landscape improvements and we look forward to continuing with this momentum to bring this treasure to a level that not only emphasizes the beauty and purpose of the property, but allows us to preserve and proactively protect it moving forward.

An award of grant funds must be by the adoption of a resolution of the boards of county commissioners. NRS 244.1505 Attached is a form of such a resolution. Please prepare a

resolution in accordance with the attached form which grants the funds requested and submit the resolution along with this application.

State of Nevada



Department of State

I, WM. D. SWACKHAMER, Secretary of State of the State of Nevada, do hereby certify that

ST. MARY'S ART CENTER

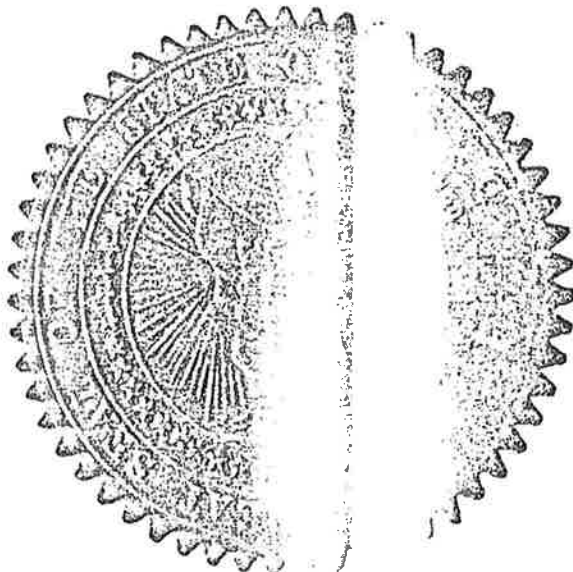
did on the SIXTH day of NOVEMBER, 19 73, file in this office the original Articles of Incorporation; that said Articles are now on file and of record in the office of the Secretary of State of the State of Nevada, and further, that said Articles contain all the statements of facts required by the law of said State of Nevada.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office in Carson City, Nevada, this

SIXTH day of NOVEMBER, A. D. 19 73


Secretary of State

By _____
Deputy



NOV 6 - 1973

ARTICLES OF INCORPORATION

Wm. SWACKHAMPTON, SECRETARY OF STATE

-of-

ST. MARY'S ART CENTERNo. 374-73

KNOW ALL MEN BY THESE PRESENTS: That we, the under-
signed, have this day voluntarily associated ourselves together
for the purpose of forming a non-profit corporation under the
provisions of NRS 81.290 to 81.340, inclusive, AND WE DO HEREBY
CERTIFY:

FIRST: The name of this corporation will be the

ST. MARY'S ART CENTER

SECOND: The corporation's principal office for the
transaction of business is St. Mary's in the Mountains, Virginia
City, Storey County, Nevada, which is located at the corner of
E and Taylor Streets, Virginia City, Storey County, Nevada.

THIRD: The purposes of this corporation are:

(a) This art center shall be a non-profit corporation,
organized for educational and charitable activities. No officer,
trustee or member shall receive any pecuniary gain or profit from
the corporation.

(b) The corporation may conduct schools and classes for
instruction and training in all of the Arts including, but not
limited to, painting, sculpture and any other related activities.

(c) To cultivate harmonious area development in the
Arts, to collect and preserve artistic productions, particularly
those relating to the Virginia City and Comstock area.

(d) This art center is a non-profit corporation
organized solely for educational or general charitable purposes.
It does not contemplate pecuniary gain or profit to the members
thereof. Upon the winding up and dissolution of this corporation,

the remaining assets shall be distributed to a non-profit fund, foundation or corporation, which is organized and operated exclusively for charitable and educational purposes and which has established its tax exempt status under the applicable provisions of the Internal Revenue Code, being Section 501(c) (3), and Section 501(a), as now enforced or afterwards amended. If this corporation holds any assets in trust, such assets shall be disposed of in such a manner as may be directed by Decree of the District Court of the county in which this corporation's principal office is located, upon petition therefor by the Attorney General or by any person concerned in the liquidation.

FOURTH: This corporation shall have perpetual existence unless dissolved as hereinafter provided.

FIFTH: The Board of Trustees may in the By-Laws of the corporation provide for membership in the corporation and for dues and for selection of the trustees.

SIXTH: The affairs of the corporation shall be conducted by a Board of Trustees consisting of not less than five (5) members as provided by the By-Laws, who shall hold office for one year or until the election of their successors. The First Board of Trustees shall consist of five (5) persons, all of whom shall be members of the corporation and residents or property owners in Storey County, Nevada.

SEVENTH: The Board of Trustees may adopt By-Laws consistent with these Articles for the government of the corporation, and may alter, amend or repeal the same at any regular or special meeting of the Board; except that in the event of amendment of the By-Laws and expansion of the membership, the procedure by the

EIGHTH: The names and places of residence of each of the incorporators and first Board of Trustees are as follows:

NAMES:

Alice Byrne

Louise Curran

Allan Gray

June Page

Paul Meinecke

ADDRESSES:

North C Street
Virginia City, Nevada

W & N Streets
Virginia City, Nevada

145 North B Street
Virginia City, Nevada

Hickey Street
Virginia City, Nevada

St. Mary's in the Mountains
Box 328, Virginia City, Nevada

IN WITNESS WHEREOF, we have hereunto subscribed our names this 30th day of October, 1973.

Alice Byrne
June H. Page
Allan Gray
Louise Curran
Paul Meinecke

On October 30, 1973, personally appeared before me, a Notary Public, ALICE BYRNE, LOUISE CURRAN, ALLETA GRAY, JUNE PAGE and PAUL MEINECKE, known to me to be the persons who subscribed to the within instrument, who acknowledged that they executed the above instrument.

Darla D. Marcuerquiaga



NRS 244.1505 Expenditure of public money; grant of public money and donation of certain property to certain nonprofit organizations or governmental entities.

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Property for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to paragraph (e) of subsection 1 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/18/18

Estimate of time required: 10 – 15 minutes

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Representatives from Fourth Ward, St. Mary's Art Center, Community Chest, and the Storey County Senior Center provide an update on planning and marketing efforts on behalf of Storey County nonprofits.
2. **Recommended motion:** No action needed. Just wanting to keep the Commissioners informed.
3. **Prepared by:** Erik Schoen, Executive Director

Department: Community Chest, Inc.

Telephone: (775) 847-9311, x102

4. **Staff summary:** Representatives from the four nonprofits indicated in the title have been working together and meeting over the past six months or so to discuss ways for better getting the word out about the wonderful work done and contributions provided by the wonderful culturally- and health-and-human services oriented nonprofits in Storey County. The first step has been to put together a draft of a possible brochure/piece that could be used as a way to highlight and spotlight this work, and be distributed at the Visitor's Center, area businesses, and beyond. Before any further work is done, the four nonprofits wanted to present the draft brochure for feedback and reaction.
5. **Supporting materials:** A copy of the brochure will be handed out to commissioners and county staff at the 9/18/18 board meeting.
6. **Fiscal impact:** None as no county funds are being requested.

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:** No.

____ 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.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 45 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Consideration and possible approval of resolution 18-512 approving the proposed form of the Financing Agreement Financing Agreement among the County, TRI General Improvement District and all owners of assessable property in Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center).

2. **Recommended motion:** I, Commissioner (name), move to approve resolution 18-512 approving the proposed form of the Financing Agreement Financing Agreement among the County, TRI General Improvement District and all owners of assessable property in Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center); and providing other details in connection therewith.

3. **Prepared by:** Pat Whitten

Department: Commissioner's Office

Telephone: 847-0968

4. **Staff summary:** Please see Page 2

5. **Supporting materials:** Draft Resolution 18-512

6. **Fiscal impact:** Yes

Funds Available: Future Incremental State and County Revenue Fund: Various
____ Comptroller

7. **Legal review required:** Yes

____ 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.

4. **Staff Summary:** This step is a condition precedent to Items #12 and #13.

Summary – A resolution approving the proposed form of the Financing Agreement among the County, TRI General Improvement District and all owners of assessable property in Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center).

RESOLUTION NO. 18-512
(of Storey County, Nevada)

**A RESOLUTION APPROVING THE FORM OF THE
FINANCING AGREEMENT AMONG THE COUNTY, TRI
GENERAL IMPROVEMENT DISTRICT AND ALL
OWNERS OF ASSESSABLE PROPERTY IN STOREY
COUNTY SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER).**

WHEREAS, the Board of County Commissioners (the "Board") of the County of Storey (the "County"), in the State of Nevada, and the County Manager, have, pursuant to the County's Developer Special Assessment District Guidelines, received an application and petition in the form of the Economic Development Financing Plan (the "Petition") from Eagle Valley Acquisition LLC, TRIC Acquisition, LLC, Silver Slate LLC, Comstock TRIC Associates, LLC, Supernap Reno, LLC, Tahoe-Reno Industrial Center, LLC, Tesla, Inc., 1200 USA Pkwy, and Emerald City Empire, LLC (collectively, the "Owners") for the formation of a Special Assessment District (the "District"); and

WHEREAS, the Petition requests the formation of the District and the acquisition and improvement of a water project (collectively, the "Project") pursuant to NRS Chapter 271 and all laws amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, the Petition requests the County to initiate the acquisition and improvement of the Project, to issue bonds, to levy assessments and to proceed with certain actions required by the Act; and

WHEREAS, the proposed form of the District Financing Agreement among the County, TRI General Improvement District and the Owners (the "Financing Agreement") is on file with the County Clerk; and

WHEREAS, the Board has reviewed the proposed form of the Financing Agreement on file with the County Clerk and has found such Agreement to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF STOREY, IN THE STATE OF NEVADA:

Section 1. The form, terms and provisions of the Financing Agreement are hereby approved in substantially the form thereof on file with the County Clerk, with only such changes therein as are not inconsistent herewith and are approved by the officers of the County executing the same. The officers of the County are hereby authorized to enter into, execute and deliver the Financing Agreement and the execution and delivery of the same shall constitute conclusive evidence of the County's approval thereof in accordance with the terms hereof.

Section 2. The officers of the County be, and they hereby are, authorized to take all action necessary to effectuate the provisions of this resolution.

Section 3. All actions, proceedings and matters previously taken, had and done by the County and the officers of the County (not inconsistent with the provisions of this resolution) concerning the District and the Project hereby are, ratified, approved and confirmed. This resolution does not obligate the County to enter into the Financing Agreement or to apply bond proceeds to any cost except as provided in the Financing Agreement.

Section 4. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, previously repealed.

Section 5. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. The Board has determined and does hereby declare that this resolution shall be in effect upon its passage in accordance with law.

PASSED AND APPROVED THIS SEPTEMBER 18, 2018.

[SEAL]

Attest:

Chairman
Board of County Commissioners
Storey County, Nevada

County Clerk

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

I am the duly appointed, qualified and acting County Clerk of Storey County (the "County"), Nevada, and in the performance of my duties as County Clerk and ex officio Clerk of its Board of County Commissioners (the "Board"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution adopted at a regular meeting of the Board held on September 18, 2018.

2. The adoption of the Resolution was duly moved and seconded and the Resolution was adopted by an affirmative vote of a majority of the members of the Board as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

Those Abstaining:

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The resolution was approved and authenticated by the signature of the Chairman of the Board, sealed with the County seal, attested by the Clerk and recorded in the minutes of the Board.

5. All members of the Board were given due and proper notice of the meeting. Public notice of the meeting was given and the meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting was posted not later than 9:00 a.m. at least 3 working days in advance of the meeting 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

6. A copy of the notice was posted on the County's website and on the State of Nevada's official website no later than 9:00 a.m. on the third working day prior to the meeting.

7. A copy of the notice was given to each person, if any, who has requested notice of the meetings of the Board in the same manner in which notice is required to be given to a member of the Board. Such notice, if mailed, was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

8. Upon request, the Board provides at no charge, at least one copy of the agenda for its public meetings, any proposed Resolution which will be discussed at the public meeting, and any other supporting materials provided to the Board for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

9. A copy of the notice so given of the meeting of the Board held on September 18, 2018 is attached to this certificate as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand on September 18, 2018.

County Clerk

EXHIBIT A

(Attach copy of posted notice)

When Recorded, Return To:

Kendra S. Follett

Sherman & Howard L.L.C.

50 West Liberty Street, Suite 1000

Reno, NV 89501

(Space above this line for Recorders Use)

**DISTRICT FINANCING AGREEMENT
AMONG
THE COUNTY OF STOREY, NEVADA**

AND

TRI GENERAL IMPROVEMENT DISTRICT

AND

SUPERNAP RENO, LLC

TAHOE-RENO INDUSTRIAL CENTER LLC

SILVER SLATE LLC

TESLA, INC.

EAGLE VALLEY ACQUISITION LLC

TRIC ACQUISITION LLC

1200 USA PKWY LLC

EMERALD CITY EMPIRE, LLC

COMSTOCK TRIC ASSOCIATES, LLC

TABLE OF CONTENTS

PAGE NO.

ARTICLE 1. DEFINITIONS	2
ARTICLE 2. CONSTRUCTION	5
2.1 Description of Tasks	5
A. Plans and Engineering	5
B. Construction	6
C. Transfer of Title to Project Property (Real Property)	7
D. Transfer of Title to Subproject (Public Improvements)	9
E. Acknowledgement of Subproject for Payment	10
F. Warranty of Workmanship and Materials	10
G. Work Specifications	12
H. Compliance with Law	12
I. Cost Estimates; Bonds	13
J. Payments for Construction Project	13
K. Default in Construction Obligations of TRIGID	15
L. Cost Overruns	15
M. Cost Underruns	16
2.2 Oversizing	17
A. Water Line Oversizing	17
2.3 Incidental Expenses	17
A. Tahoe-Reno Industrial Center, LLC Incidental Expenses	17
B. TRIGID's Incidental Expenses	17
C. County's Incidental Expenses	17
2.4 Method of Payment	18
2.5 County Authorized to Pay	18
2.6 Appraisal	18
ARTICLE 3. ASSESSMENTS	18
3.1 Procedure	18
3.2 Financing	19
3.3 Assessed Property, Assessment Roll	19
3.4 Assessment Installments	19
3.5 Interest Rate	19
3.6 Installment Due Dates	20
3.7 Bond Reserve	20
A. Bond Reserve Defined	20
B. Application of Interest Income	20
C. Delinquent Assessment Reimbursement	21
D. Refunds	21
E. Use for Other Purposes	22
3.8 Waiver	22

TABLE OF CONTENTS (Cont'd.)**PAGE NO.**

3.9	Consent to Reapportionments	23
ARTICLE 4. MISCELLANEOUS		23
4.1	Federal Tax Covenant	23
4.2	County Documents.....	23
4.3	Permits	23
4.4	Permitted Investments.....	24
4.5	Indemnification; Insurance.....	24
	A. Indemnification To County	24
	B. Defense of Suits	24
	C. Exception	25
	D. Survival.....	25
	E. Insurance.....	25
4.6	No Third-Party Beneficiaries.....	25
4.7	No Guarantee of Water Capacity	25
4.8	Continuing Disclosure	26
4.9	Successors; Assignments	26
4.10	Inspection of Books	26
4.11	Entire Agreement.....	26
4.12	Further Assurances.....	26
4.13	Obligations of Developer; Guarantee.....	26
4.14	Notices	27
4.15	No Waivers	28
4.16	Attorneys' Fees	28
4.17	Severability	28
4.18	Governing Law	28
4.19	No County Obligation.....	28
4.20	Termination Date	29
4.21	Counterparts	29
4.22	Recordation	29
4.23	Conveyance Restriction	29
4.24	Disclosure to Transferee.....	29
4.25	Execution Authorization	30
4.26	Construction; Time.....	30

EXHIBITS

List of APNs and Legal Description of Property	A
Title Exceptions to Property	B
Subproject Descriptions, Purchase Prices, and Completion Dates	C
Map Showing Property	C – Appendix 1
Map Showing Location of Each Subproject	C – Appendix 2
Current Prevailing Wages	D
Payment Request Form	E
List of County Documents	F
Assessment Roll	G
Disclosure Statement to Property Buyers	H
Form of Guarantee	I
List of Permits Still Required	J
Audit Book Checklist.....	K
Form of Certificate of Acknowledgement of Subproject (For Full Payment and with No Companion "A" or "B" Subproject).....	L-1
Form of Certificate of Acknowledgement of Subproject (For Partial Payment of "A" or "B" Subproject – Prior to Completion of Companion Subproject)	L-2
Form of Certificate of Acknowledgement of Subproject (For Full Payment of "A" or "B" Subproject after Completion of Companion Subproject) and For Balance Payment of Previously Completed Companion Subproject.....	L-3
Insurance Requirements.....	M

This District Financing Agreement (the "Agreement"), dated as of September 15, 2015, is among **THE COUNTY OF STOREY, NEVADA** (the "County"), a political subdivision of the State of Nevada (the "State"), **TRI GENERAL IMPROVEMENT DISTRICT**, Nevada ("TRIGID"), a political subdivision of the State of Nevada and **SUPERNAP RENO, LLC**, a Nevada limited liability company, **TAHOE-RENO INDUSTRIAL CENTER, LLC**, a Nevada limited liability company, **SILVER SLATE LLC**, a Delaware limited liability company, **TESLA, INC.** (fka Tesla Motors, Inc.), a Delaware corporation, **EAGLE VALLEY ACQUISITION LLC**, a Nevada limited liability company, **TRIC ACQUISITION, LLC**, a Nevada limited liability company, **1200 USA PKWY LLC**, a Nevada limited liability company, **EMERALD CITY EMPIRE, LLC**, a Nevada limited liability company, and **COMSTOCK TRIC ASSOCIATES, LLC**, a Nevada limited liability company (each a "Developer" and collectively, the "Developers").

WITNESSETH:

WHEREAS, pursuant to Nevada Revised Statutes ("NRS") 271.710, the Board of County Commissioners of the County (the "Board") may enter into written agreements with the owners of all assessable property within a proposed special assessment or improvement district containing the provisions stated herein; and

WHEREAS, each Developer except the Master Developer (as herein defined) represents and warrants that: (i) it is the legal owner of certain property ("Developer Property") to be assessed within the proposed Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (the "District") and identified by owner on Exhibit A-I hereto; (ii) a true and correct legal description of the Developer Property is attached hereto as Exhibit A-1; (iii) there are no liens or encumbrances on the Developer Property except as shown on Exhibit B attached hereto; and (iv) a true and correct legal description of all property to be included within the boundaries of the District (which includes the Developer Property and assessable property owned by persons other than the Developer which owners will also sign an agreement with the County pursuant to NRS 271.710); and

WHEREAS, the Developer has signed and filed a petition and application with the County to form the District in accordance with the County's Developer Special Assessment District Guidelines; and

WHEREAS, the Developer proposes to construct certain public improvements within the District, including certain governmentally-owned utility improvements to serve certain areas located within the District, and to transfer such improvements to TRIGID (as herein defined) in accordance with the terms and provisions hereof; and

WHEREAS, each public improvement required to be constructed and acquired within the District is designated as a "Part I Subproject" in Exhibit C attached hereto (except to the extent the construction thereof is excused by the Engineer under the circumstances described herein); and

WHEREAS, each public improvement that may be constructed and acquired if funds remain is designated as a "Part II Subproject" in Exhibit C attached hereto (the construction and acquisition of each "Part I Subproject" and each "Part II Subproject" described in Exhibit C attached hereto is collectively referred to herein as the "Project"); and

WHEREAS, certain real property to be dedicated in fee simple, including easements and rights of way, which portions are shown in Appendix 2 of Exhibit C attached hereto are required for the Project (the "Project Property"); and

WHEREAS, the public improvements comprising the Project are also shown in Appendix 2 of Exhibit C attached hereto; and

WHEREAS, each Developer agrees that the County may create the District, levy the assessments, and for all other purposes relating to the District proceed pursuant to the provisions of NRS 271.710 through 271.730; and

WHEREAS, the parties hereto propose to finance the Project through the sale of bonds ("Bonds") pursuant to chapter 271 of the NRS.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

ARTICLE 1. DEFINITIONS.

In addition to the terms parenthetically defined throughout this Agreement, the following terms, except where the context indicates otherwise, shall have the respective meanings set forth below.

"Agreement" means this District Financing Agreement among the County, TRIGID and the Developers, as supplemented or amended from time to time in accordance with its terms.

"Applicable Government" means the County or the TRIGID, as applicable.

"Assignment of Beneficial Interest in Water Rights" means the Assignment of Beneficial Interest in Water Rights by TRI General Improvement District appurtenant to each parcel in the District assigning a beneficial interest in water rights to each parcel in the District.

"Audit Book Checklist" means the checklist set forth in Exhibit K, as the same may be amended from time to time by the County.

"Board" means the Board of County Commissioners of the County.

"Certificate of Acknowledgement" means a certificate in the form set forth in Exhibit L-1, L-2, or L-3, as applicable.

"County" means Storey County, Nevada.

"County Clerk" means the Clerk of the County.

"Developers" means, collectively, Eagle Valley Acquisition LLC, TRIC Acquisition LLC, Silver Slate LLC, Comstock TRIC Associates LLC, Supernap Reno LLC, Tahoe-Reno Industrial Center LLC, Tesla Motors Inc., 1200 USA Parkway LLC, Emerald City Empire LLC, and Comstock TRIC Associates LLC, together with their respective permitted successors and assigns.

"District" means the Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center).

"Engineer" means a representative of Farr West Engineering.

"Guaranty Bond" means a bond issued by a surety company acceptable to the County in the amount required by Section 2.1.F. hereof: (i) insuring, warranting, and guaranteeing that such Subproject (or Subprojects, as applicable) or any portion thereof, once completed, has been constructed in accordance with the final plans and specifications with respect thereto; and (ii) insuring, warranting, and guaranteeing the repair and replacement of such Subproject (or Subprojects, as applicable) or any portion thereof, together with any

adjacent work that may be damaged in so doing, for the duration of the warranty period required by Section 2.1.F. hereof or otherwise.

"Guidelines" means the County's Developer Special Assessment District Guidelines.

"Subproject" means each numbered project described in Exhibit C attached hereto.

"TRIGID" means the TRI General Improvement District, in the State of Nevada.

ARTICLE 2. CONSTRUCTION.

2.1 Description of Tasks.

A. Plans and Engineering.

1. Full and detailed plans and specifications (i.e., plans and specifications in detail satisfactory to the Engineer) for each Subproject shall be prepared by the Engineer and filed with the County Clerk prior to the Board's adoption of the ordinance creating the District. Final plans and specifications for each Subproject shall be reviewed and approved by the Engineer, on behalf of the County. Such final plans and specifications may be modified from time to time upon request of the Developer with the written consent of the Engineer and the County. Any such review or approval by the County or another Applicable Government shall not limit any rights or claims the County or another Applicable Government may have against the Developers or any other person relating to such plans and specifications, including, without limitation, rights or claims pertaining to defective or negligent design.

2. The Developers shall perform all other pre-construction activities needed in order to commence construction of the Project, including, without limitation and where necessary or when otherwise required by the County, causing the preparation and delivery to the County of any environmental reports or assessments, drainage studies, surveys, absorption studies, title reports, and other preliminary reports, and obtaining and delivering copies to the County of any required permits, licenses or other governmental or utility approvals. All such materials shall be submitted to, and reviewed and approved by, the County.

3. The County may contract for the engineering services of one or more Nevada Registered Professional Civil Engineers, as selected by the County in its sole discretion in accordance with the NRS, to, without limitation: (i) prepare the engineering design for the Project pursuant to Section 2.1.A.1. hereof; (ii) provide assessment engineering services relating to the Project; (iii) provide inspection services relating to the Project; (iv) assist the County in verifying the receipt of proper documentation for all payment requests; and (v) assist the County in verifying the proper amount to pay the Developer in connection with each payment request.

4. The Developers agree that each shall be responsible, jointly and severally, for the payment of all costs described in Sections 2.1.A.1., 2.1.A.2., and 2.1.A.3. hereof that are incurred or become due and payable prior to the time any Bonds are issued, subject to obtaining reimbursement for such costs as described herein if any Bonds for the District are issued.

B. **Construction.**

1. The Project shall consist of each public improvement designated in Exhibit C attached hereto and, under the circumstances described in Section 2.1.B.2. below, one or more of the public improvements designated as a "Part II Subproject" in Exhibit C attached hereto. TRIGID agrees to construct the Project in accordance with the final plans and specifications required by Section 2.1.A.1. hereof, as the same may be modified from time to time with the written consent of the Engineer and the County, and in accordance with Section 2.1.G. hereof, as the same may be modified from time to time. TRIGID shall complete construction of each Subproject described in Exhibit C attached hereto upon the earliest of the following dates: (i) the completion date for such Subproject required in any permit issued by any governmental agency (including the County) to TRIGID or any other owner or developer of property in the District, taking into account any extension of time for completion granted by the permitting agency; or (ii) the completion date for such Subproject set forth in Exhibit C, as the same may be extended upon the reasonable discretion of the Engineer.

2. In order to assist the County in complying with its obligations under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder, TRIGID hereby represents that it reasonably expects to submit reimbursable costs to the County pursuant to the provisions hereof in such time as will permit the County to expend not less than 85% of the net sale proceeds of the Bond issued to finance the Project (or any portion thereof) within three years of the date of issuance of such Bond. This representation is not intended to modify the required completion date for any "Part I Subproject" set forth in Section 2.1.B.2. hereof.

3. If, and only if, additional proceeds of the Bond remain after a Certificate of Acknowledgement has been executed with respect to every "Part I Subproject" described in Exhibit C attached hereto (eliminating therefrom any "Part I Subproject" that has been excused from construction with the consent of the Engineer and the County upon a

determination by the Engineer that such Subproject (or any portion thereof) is no longer needed), TRIGID may, in accordance with Section 2.1.M.2. hereof, construct one or more of the Subprojects designated as a "Part II Subproject" in Exhibit C attached hereto and seek reimbursement of such costs (in the amounts described herein) from the County from the remaining Bond proceeds. If TRIGID elects, pursuant to Section 2.1.M.2. hereof, to construct any Subproject designated as a "Part II Subproject" in Exhibit C attached hereto and thereafter seek reimbursement of such costs (in the amounts described herein) from the County from the remaining Bond proceeds, such "Part II Subproject" must be constructed to completion within the timeframe set forth in Section 2.1.B.1. hereof (i.e., the same timeframe applicable to any "Part I Subproject" described in Exhibit C attached hereto). For the avoidance of doubt, nothing in this Section 2.1.B.3. requires TRIGID to wait until every "Part I Subproject" described in Exhibit C attached hereto has been constructed (or excused from construction) before constructing any "Part II Subproject" described in Exhibit C attached hereto. The purpose of this Section 2.1.B.3 is simply to describe the circumstances under which TRIGID may be entitled to reimbursement for the costs of constructing a "Part II Subproject" described in Exhibit C attached hereto in the same manner set forth herein for the reimbursement of a "Part I Subproject" described in Exhibit C attached hereto.

4. All contractors and subcontractors selected for any portion of the Project must be licensed and bonded as required by State licensing laws.

C. **Transfer of Title to Project Property (Real Property).**

1. Upon request of the Engineer but, in any event, prior to the County's payment of the cost of any "Part I Subproject" described in Exhibit C, TRIGID shall transfer to the Applicable Government, via the recording of a map or other appropriate real property instrument, fee simple title to, or easements or rights of way, as required by and acceptable to the County, with respect to each such Subproject. Such requirement shall not apply to those portions of the Project Property: (i) which are already owned in fee simple by the Applicable Government; (ii) for which the Applicable Government already has the necessary easements and/or rights of way and does not, in its sole discretion, desire or require a fee simple interest; or (iii) for which the Applicable Government has obtained a right of occupancy pursuant to an action for condemnation filed in District Court.

2. Upon request of the Engineer but, in any event, prior to the County's payment of the cost of any "Part II Subproject" described in Exhibit C, TRIGID shall transfer to the Applicable Government, via the recording of a map or other appropriate real property instrument, fee simple title to, or easements, as required by and acceptable to the County, with respect to such Subproject. Such requirement shall not apply to those portions of the Project Property: (i) which are already owned in fee simple by the Applicable Government; (ii) for which the Applicable Government already has the necessary easements and does not, in its sole discretion, desire or require a fee simple interest; or (iii) for which the Applicable Government has obtained a right of occupancy pursuant to an action for condemnation filed in District Court.

3. Unless expressly waived by the County, at least 20 days prior to (i) the proposed transfer of any portion of the Project Property pursuant to Section 2.1.C.1. or Section 2.1.C.2. hereof, as applicable, or (ii) the proposed granting of an easement relating to any portion of the Project Property pursuant to Section 2.1.C.1. or Section 2.1.C.2. hereof, as applicable, the Developers shall, at its sole cost, provide to the County a preliminary title report or pro forma title policy (the "Title Report") relating to the Project Property or the related easements proposed to be transferred or granted to the Applicable Government. In the event the County objects to any encumbrance related to such portion of the Project Property or related easements shown on the Title Report, (i) TRIGID shall not transfer such portion of the Project Property or related easements to the Applicable Government until the TRIGID has cured such objection to the satisfaction of the County, and, (ii), in any event, the County shall be under no obligation to pay for any Subproject associated with such Project Property until TRIGID has cured such objection to the satisfaction of the County and thereafter transferred such Project Property to the County or granted an easement therein, as applicable.

4. TRIGID warrants at the time of transfer of any portion of the Project Property or related easement or right of way to the Applicable Government, that TRIGID has title sufficient to convey the property interest being conveyed and that said property interest is not subject to any easement, mortgage, security interest, mechanics' or materialmen's lien or any other encumbrance, except as is approved by the County and shown on any related Title Report. The Developers agree to indemnify and defend the County's title to or easement in such portion of the Project Property against any claim of encumbrance whatsoever arising by or

through the Developers or any of their predecessors in title or which is caused or created by the Developers, including any mechanics' or materialmen's liens asserted in connection with the construction of the Project or the Developers' development of its property in the District. The obligations of the Developers in this Section 2.1.C.4. shall survive the termination of this Agreement.

D. **Transfer of Title to Subproject (Public Improvements).**

1. Prior to the County's payment of the cost of any Subproject, TRIGID shall: (i) deliver a bill of sale or other appropriate transfer document conveying title to all public improvements comprising such Subproject to the County, if applicable, or, where applicable, to another Applicable Government with a copy to the County; and (ii) provide to the Applicable Government complete and legally effective releases or waivers (satisfactory to the Applicable Government) of mechanics', materialmen's, or other liens arising out of or filed (or which could arise out of or be filed) in connection with the public improvements comprising such Subproject. If any subcontractor or supplier fails to furnish such a release in full, the Developers may furnish a bond or other collateral satisfactory to the County and the Applicable Government to indemnify and defend the County and the Applicable Government against any lien, and the County may, at the County's sole discretion, make payment of up to 90% of the amount otherwise due with respect to that Subproject pursuant to Section 2.1.J. hereof and retain a minimum of 10% of the amount otherwise due with respect to that Subproject pursuant to Section 2.1.J. hereof until all potential liens have lapsed without filing, written waiver has been obtained therefor, or such liens have otherwise been removed from the property.

2. TRIGID warrants at the time of its conveyance of title to the public improvements comprising any Subproject to an Applicable Government that TRIGID has title sufficient to convey such public improvements and that each such public improvement is not subject to any easement, mortgage, security interest, mechanics' or materialmen's lien or any other encumbrance. TRIGID agrees to indemnify and defend the County's title to any public improvement comprising a portion of a Subproject against any claim or encumbrance whatsoever arising by or through TRIGID or any of its predecessors in title or which is caused or created by TRIGID, including any mechanics' or materialmen's liens asserted in connection with the construction of the Subproject. The obligations of TRIGID in this Section 2.1.D.2 shall survive the termination of this Agreement.

E. **Acknowledgement of Subproject for Payment.** The County shall not be required to pay for any Subproject unless such Subproject: (i) is constructed in strict accordance with the plans and specifications approved pursuant to Section 2.1.A.1. hereof, as the same may be modified from time to time with the written consent of the Engineer, and as otherwise required by this Agreement, including, but not limited to, Section 2.1.B.1. or Section 2.1.B.2. hereof, as applicable, and Section 2.1.G. hereof; (ii) all items set forth in the Audit Book Checklist relating to such Subproject have been delivered to the County or its agents; (iii) a Certificate of Acknowledgement, signed by both TRIGID and the County after all requirements of the following paragraph have been met, has been received by the County; and, (iv) for Subprojects with no companion Subproject (or, for Subprojects with a companion Subproject, when both the "A" and "B" Subproject have been completed), a Guaranty Bond for such Subproject (or Subprojects, as applicable) has been delivered to the County. In clarification of the foregoing sentence, for Subprojects with a companion Subproject the County may pay for the "A" or "B" Subproject (whichever is completed first) upon satisfaction of clauses (i) through (iii) above and all other requirements herein without providing a Guaranty Bond. The requirement to provide a Guaranty Bond for Subprojects with a companion Subproject arises when both the "A" and "B" Subproject have been completed.

The County and, where applicable, any other Applicable Government, shall inspect the Subproject and if the County and, where applicable, such other Applicable Government, in its or their sole discretion, determine(s) such Subproject to have been constructed in strict accordance with all related plans and specifications, as the same may be modified from time to time with the written consent of the Engineer, and the County determines in its sole discretion that all requirements of Section 2.1.A.1., Section 2.1.B.1 or Section 2.1.B.2., as applicable, Section 2.1.C., Section 2.1.D, Section 2.1.G., Section 2.1.H., Section 2.1.I., and Section 2.1.L. hereof and any other applicable terms of this Agreement have been met or waived, the County shall deliver a Certificate of Acknowledgement formally acknowledging such Subproject for payment. Payment for such Subproject shall thereafter be made by the County in accordance with Section 2.1.J. hereof upon TRIGID's execution of such Certificate of Acknowledgement and the delivery of the same to the County.

F. **Warranty of Workmanship and Materials.** Beginning on the date the County and TRIGID execute a Certificate of Acknowledgement with respect to a

Subproject pursuant to Section 2.1.E. hereof (herein, a "Date of Acknowledgement"), or, where a segment of the Project is broken into two companion subparts – i.e., a Subproject A and a Subproject B – beginning on the date that a Certificate of Acknowledgment has been delivered with respect to both such Subprojects pursuant to Section 2.1.E. hereof (herein also, as applicable, a "Date of Acknowledgement"), TRIGID shall warrant to the County and the Applicable Government that such Subproject (or such Subprojects, if applicable) has been constructed in accordance with the plans and specifications set forth in Section 2.1.A.1. hereof, as the same may be modified from time to time with the written consent of the Engineer, and in accordance with Section 2.1.G. hereof, as the same may be modified from time to time. The Developers agree to remedy any defects in any Subproject and to pay for any damage to other work resulting therefrom that appears within one year of the Date of Acknowledgement applicable to such Subproject (or such Subprojects, if applicable) or such longer period as is required by any rules or regulations of the Applicable Government. To secure the Developers obligations under this Section 2.1.F., upon request of the County, the Developers shall deliver a Guaranty Bond to the County for each Subproject (or Subprojects, as applicable) in a form acceptable to the County no later than the Date of Acknowledgement applicable to such Subproject (or Subprojects, as applicable). For a Subproject with no companion Subproject (e.g., Subproject 2), the Guaranty Bond shall be in an amount equal to 10% of the actual purchase price paid by the County to acquire such Subproject. For companion Subprojects (e.g., Subproject 1A and Subproject 1B), the Guaranty Bond shall be in an amount equal to the 10% of the aggregate actual purchase price paid by the County to acquire such Subprojects.

To illustrate the operation of the preceding paragraph (as it relates to determining the applicable Date of Acknowledgement), for Subproject 2 set forth in Exhibit C attached hereto (which has no companion Subproject), the Date of Acknowledgement for Subproject 2 shall be the date when a Certificate of Acknowledgement is delivered with respect to Subproject 2. Conversely, for Subproject 1A and Subproject 1B set forth in Exhibit C attached hereto (which are companion Subprojects), the Date of Acknowledgement for Subproject 1A shall not be the date a Certificate of Acknowledgement is delivered with respect to Subproject 1A (assuming, for purposes of this hypothetical, that Subproject 1A is completed before Subproject 1B). Instead, the Date of Acknowledgement for both Subproject 1A and Subproject 1B shall be the date a Certificate of Acknowledgement is delivered with respect to

Subproject 1B (again, assuming for purposes of this hypothetical that a Certificate of Acknowledgement for Subproject 1B is delivered after a Certificate of Acknowledgement has previously been delivered with respect to Subproject 1A).

In addition to the one year warranty for defects, TRIGID agrees to be responsible for and continue to maintain any Subproject until all of the following have occurred: (i) all of the Bonds have been paid in full; or (ii) such Subproject has been transferred to the appropriate Applicable Government. In addition to the foregoing, and for the avoidance of doubt, such continuing maintenance obligation expressly applies to any Subproject with an "A" or "B" letter designation until all of the following have occurred: (x) both the "A" Subproject and the companion "B" Subproject (or vice versa) have been fully constructed by TRIGID; (y) TRIGID has been fully reimbursed for the cost of both the "A" Subproject and the "B" Subproject (in the amount of the least of (a) the reasonable actual costs of constructing each Subproject, as solely determined by the County, (b) the purchase price for each Subproject set forth in Exhibit C (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. hereof, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of each Subproject, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs); and (z) both the "A" Subproject and the "B" Subproject have been transferred to the appropriate Applicable Government.

G. **Work Specifications.** In addition to the plans and specifications described in Section 2.1.A.1. hereof, the construction work performed pursuant to this Agreement is subject to the following additional specifications:

1. The current edition of the Uniform Standard Specifications for Public Works' Construction Off-Site Improvements, Storey County Area, Nevada (the "Standard Specifications"), and the Uniform Standard Drawings for Public Works' Construction, Storey County Area, Nevada (the "Standard Drawings"). (

2. Permits issued to TRIGID by the County.

H. **Compliance with Law.** Pursuant to NRS 271.710(1), the Board need not comply with the provisions of any law requiring public bidding or otherwise imposing requirements on public contracts, projects, works or improvements, including, without limitation, chapters 332, 338 and 339 of the NRS except that NRS 338.010 to 338.090,

inclusive, shall apply to any construction work to be performed under any contract relating to the District. A copy of the prevailing wage act for public works currently in effect in the State of Nevada for Storey County is attached as Exhibit D. TRIGID agrees to attach a copy of the prevailing wage act for public works in effect on the date of execution of any contract entered into with a subcontractor with respect to the construction of all or any portion of a Subproject to its contract with such subcontractor. TRIGID is responsible for providing the State Labor Commission with all information required by NRS 338.010 to 338.090, and otherwise responsible for all compliance requirements of those provisions of the NRS. For the avoidance of the doubt, this provision prohibits the County from using Bond proceeds to pay for any portion of a Subproject if any portion of such Subproject was not constructed in accordance with NRS 338.010 to 338.090.

I. **Cost Estimates; Bonds.** At the time of commencement of construction of any Subproject, TRIGID shall furnish the County with an updated estimate of the cost of constructing such Subproject, in form and substance satisfactory to the County. If the updated estimated cost of that Subproject exceeds the lesser of (i) the price of that Subproject as shown in Exhibit C plus any allocation of Bond proceeds available therefor because of a cost underrun on another Subproject or (ii) the amount of the proceeds of the Bond available to pay the cost of that completed Subproject, as determined by the County in its sole discretion after taking into account any allocation of Bond proceeds to other Subprojects and other costs, then the Developers shall furnish to the County a payment and performance bond in form acceptable to the County in an amount equal to the amount of such excess at the time such estimate is furnished to the County. Those bonds shall remain in effect until (i) a Certificate of Acknowledgement has been delivered with respect to such Subproject pursuant to Section 2.1.E. hereof, or, if such Subproject has an "A" or "B" companion Subproject, a Certificate of Acknowledgement has been delivered with respect to both the "A" Subproject and the "B" Subproject; and (ii) a Guaranty Bond has been delivered to the County with respect to such Subproject or Subprojects, as applicable.

J. **Payments for Construction Project.** Subject to the second paragraph of this Section 2.1.J. below, the County shall, for each Subproject, pay to TRIGID the least of (i) the reasonable actual costs of constructing such Subproject, as solely determined by the County, (ii) the purchase price for such Subproject set forth in Exhibit C (plus any additional

proceeds available to be applied thereto pursuant to Section 2.1.M. hereof, in the County's sole discretion), or (iii) the amount of Bond proceeds available to pay the cost of such Subproject, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs, at the time a fully executed Certificate of Acknowledgement is delivered to the Developer pursuant to Section 2.1.E. hereof, provided that the County shall be obligated to pay such amount solely from the available proceeds of the Bonds to be hereafter issued by the County, if any. Notwithstanding the foregoing, if the reasonable actual cost of a Subproject as approved by the County exceeds the purchase price therefor listed in Exhibit C, the County shall pay such difference only if Bond proceeds and interest earned thereon are available to pay such excess because TRIGID's Incidental Expenses (defined below) or the County's Incidental Expenses are less than the aggregate amount stated in Section 2.3. hereof, or the amount paid for another Subproject for which a Certificate of Acknowledgement has already been fully executed and delivered to TRIGID is less than the purchase price stated for such Subproject in Exhibit C.

Notwithstanding the previous paragraph of this Section 2.1.J., upon TRIGID's receipt of a Certificate of Acknowledgment with respect to any Subproject with an "A" or "B" letter designation (for purposes of this paragraph, the "Initial Subproject"), the County shall pay TRIGID 90% of the least of (i) the reasonable actual costs of constructing such Initial Subproject, as solely determined by the County, (ii) the purchase price for such Initial Subproject set forth in Exhibit C (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. hereof, in the County's sole discretion), or (iii) the amount of Bond proceeds available to pay the cost of such Initial Subproject, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs. Upon TRIGID's receipt of a Certificate of Acknowledgement for the companion "A" or "B" Subproject, as applicable (for purposes of this paragraph, the "Companion Subproject"), the County will pay TRIGID (i) an amount equal to the least of (a) the reasonable actual costs of constructing such Companion Subproject, as solely determined by the County, (b) the purchase price for such Companion Subproject set forth in Exhibit C (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. hereof, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of such Companion Subproject, as solely determined by the County after taking into account any allocation of Bond

proceeds to other Subprojects and other costs, plus (ii) an amount equal to 10% of the least of (a) the reasonable actual costs of constructing the Initial Subproject, as solely determined by the County, (b) the purchase price for the Initial Subproject set forth in Exhibit C (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. hereof, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of the Initial Subproject, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs.

K. **Default in Construction Obligations of TRIGID.** In the event TRIGID does not build a Subproject in accordance with the approved plans and specifications therefor delivered pursuant to Section 2.1.A. hereof, as the same may be modified from time to time with the written consent of the Engineer, or fails to complete a Subproject within the timeframe required by Section 2.1.B.1. or Section 2.1.B.2. hereof, as applicable, and is therefore in default and breach of this Agreement, the County may, at its option, proceed to build, complete, or rebuild as necessary that Subproject so that when completed that Subproject will be constructed in accordance with the approved plans and specifications. Under such circumstances, and to the extent not otherwise previously accomplished pursuant to Section 2.1.C. hereof, TRIGID agrees to promptly transfer to the County, upon demand of the County, any Project Property related to such Subproject. The County may apply the proceeds of the Bond and amounts derived from any payment and performance bond or Guaranty Bond applicable to the Project to the costs of such building, completing or rebuilding. If these amounts are insufficient, the County shall make demand on the Developers to pay the amount of the insufficiency and the Developers shall immediately pay the County the amount of the insufficiency.

L. **Cost Overruns.** The Developers are responsible for the payment of, and agree to pay, all costs of constructing each "Part I Subproject" which exceeds the amount available for that purpose from the proceeds of Bond. When the sum of the amounts previously paid to TRIGID pursuant to Section 2.1.J. and 2.4 hereof, together with the amounts requested to be paid to TRIGID pursuant to Section 2.1.J. and 2.4 hereof, equals or exceeds ninety percent of the original principal amount of the Bond, the Developers shall immediately furnish the County a payment and performance bond in a form acceptable to the County or, in the discretion of the Developers, cash in an amount equal to the amount of the excess of the estimated costs of

constructing every remaining "Part I Subproject" over the amount of Bond proceeds available for such purpose. Any payment and performance bond obtained pursuant to this Section 2.1.L. shall remain in effect until a Certificate of Acknowledgement has been delivered with respect to every remaining "Part I Subproject."

M. **Cost Underruns.**

1. If (i) a Certificate of Acknowledgement has been executed and delivered to the Developer with respect to a Subproject, (ii) the County has paid TRIGID the reasonable actual costs of constructing such Subproject, as solely determined by the County, and (iii) the payments made pursuant to clause (ii) were less than the purchase price listed for such Subproject in Exhibit C, the County may, at the request of TRIGID, allocate such unexpended proceeds to another Subproject listed in Part I of Exhibit C.

2. If every "Part I Subproject" described in Exhibit C attached hereto has either (i) been completed and accepted, or (ii) been excused from construction with the consent of the Engineer upon a determination by the Engineer that such public improvements are no longer needed, and there remain unexpended proceeds of the Bond (including interest earned on such proceeds) which were to be used for expenses in connection with the Project, and such proceeds are not needed for assessment or Bond related purposes (including cost overruns on non-construction costs described in Section 2.3), TRIGID may, with the consent of the Engineer and the County, (i) use such remaining proceeds (or any portion thereof) to construct one or more of the Subprojects designated as a "Part II Subproject" in Exhibit C attached hereto and (ii) with the further consent of the Developers, amend the Project, by agreement, to include any other subprojects eligible for financing under NRS 271 that benefit the property assessed in the District and use such remaining proceeds (or portion thereof) on such additional projects. If the County determines that all or any portion of such excess proceeds shall not be used to construct one or more of the Subprojects designated as a "Part II Subproject" described in Exhibit C attached hereto or any amended projects, then all or any portion of such excess proceeds shall be used to redeem the Bond or pay debt service on the Bond, as determined by the County in the County's sole discretion and each assessed parcel in the District shall receive a pro rata credit against its assessment, as determined by the County in the County's sole discretion, with an appropriate cash payment, only to the extent cash is available therefor as determined by the County in the County's sole discretion, to the owner of

any assessed parcel whose assessment has been paid in full.

2.2 **Oversizing.**

A. **Water Line Oversizing.** The County shall not pay for any oversizing of water under any existing or future agreements between the TRIGID and the Developers or otherwise, and TRIGID agrees not to include any such oversizing in its cost estimates or final costs for any Subproject.

2.3. **Incidental Expenses.** TRIGID and the County shall be entitled to be reimbursed for their incidental expenses (the "Incidental Expenses") as follows:

A. **Tahoe-Reno Industrial Center, LLC Incidental Expenses.**

Tahoe -Reno Industrial Center, LLC shall be entitled to be reimbursed from Bond proceeds for costs of the deposit of \$175,000 made by Tahoe-Reno Industrial Center, LLC for the County's costs and for costs of a deposit for the costs of the State of Nevada, if any deposit is made. The County will pay to Tahoe-Reno Industrial Center, LLC the amount of the deposit, but only from available proceeds of the Bond.

B. **TRIGID's Incidental Expenses.** TRIGID shall be entitled to be reimbursed from Bond proceeds for the actual costs of the following incidental expenses incurred and paid by the Developer, up to an amount not exceeding \$_____ (unless additional amounts are available from cost underruns on particular Subprojects or the County's Incidental Expenses): engineering expenses (estimated not to exceed \$_____); environmental expenses (estimated not to exceed \$_____); legal expenses (estimated not to exceed \$_____); and other non-construction costs associated with the District (estimated not to exceed \$_____). The County will, upon presentation of evidence of payment of the foregoing expenses by TRIGID and approval thereof by the County, pay to TRIGID the cost incurred, but only from the available proceeds of the Bond. If proceeds of the Bond are not sufficient to pay TRIGID's Incidental Expenses, the Developers shall, at the request of the County, pay the amount needed.

C. **County's Incidental Expenses.** The County is entitled to pay the following incidental expenses directly from the proceeds of the Bond and the deposit of \$175,000 made by the Developers for County costs, and any other monies provided to the County by the Developers for that purpose: (1) the cost of funding a reserve fund in the amount provided in the ordinance of the County authorizing the Bond (the "Bond Ordinance"); (2) the fees and expenses of the engineering services described in Section 2.1.A(3) hereof (estimated at

\$_____; (3) the County's cost of issuing the bonds, which includes the estimated fees and expenses of the County's bond counsel (estimated at \$_____), the County's financial consultant (estimated at \$_____), the other costs provided by the State of Nevada, as purchaser of the Bond (estimated at \$_____), and the County's and the State of Nevada's other actual expenses in connection with the issuance of the Bond; (4) the estimated cost of an appraisal (estimated at \$_____); and (5) the estimated amount of the County's other costs of creating the District and administering the acquisition and construction of the Project, including legal expenses other than bond counsel expenses (estimated at \$_____). If the deposit made by the Developers for County costs and the available Bond proceeds are not sufficient to pay the County's Incidental Expenses, the Developers shall, at the request of the County, pay the amounts needed.

2.4 **Method of Payment.** Payments made to TRIGID, whether for the cost of a Subproject or for reimbursement of Incidental Expenses (as described in Section 2.3.A.), shall be made only upon execution of a request for such payment signed by TRIGID in the form attached as Exhibit E, by check, draft, or wire to the party designated in the form attached as Exhibit E. The County shall not be obligated to make any payment if after such payment the amount of Bond proceeds which would be remaining is less than ten percent of the original principal amount of the Bond unless the Developers have complied with Section 2.1.L. hereof.

2.5 **County Authorized to Pay.** The County is authorized to directly pay all expenses listed in Section 2.3.B. hereof, without further authorization from TRIGID or the Developers, and shall provide to TRIGID or the Developers, upon request, a copy of any invoice received with respect to those costs, or in the case of internal costs, other evidence of those costs.

2.6 **Appraisal.** The County will obtain an appraisal in form and substance and prepared by persons acceptable to the County which the County will use in evaluating the amount of the Bond, if any, which it will issue for the Project. The appraisal shall demonstrate the value of each parcel to be assessed, all as is required by the Guidelines.

ARTICLE 3. ASSESSMENTS.

3.1 **Procedure.** The Developers agree that the County may proceed to order that the Project be acquired and improved, issue the Bond and otherwise finance the cost of the Project and levy assessments without complying with the provisions of NRS 271.305 to

271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and the provisions of any law requiring public bidding or otherwise imposing requirements on public contracts, projects, works or improvements including without limitation chapter 332, 338 and 339 of NRS except as specifically provided in NRS 271.710. The Developers agree that the Board may create the District, levy assessments and for all other purposes relating to the District proceed pursuant to the provisions of NRS 271.710.

3.2 **Financing.** After the County determines the amount of the Bond, if any, to be issued based upon the appraisal described in Section 2.6 hereof, the County agrees to proceed with the financing of the improvements by levying assessments against the property in the District and issuing the Bond in the manner described herein and in the County documents, all of which are listed on Exhibit F (the "County Documents"). The County has not agreed to pay the Bond from the sources named in NRS 271.495.

3.3 **Assessed Property, Assessment Roll.** The County will levy assessments against all of the property in the District as provided in the assessment ordinance, and the amount of the assessments against each parcel of property in the District will not exceed that listed in the assessment roll attached hereto as Exhibit G. The final amount of the assessment against each parcel shall be determined in the sole discretion of the County based upon the information provided pursuant to Section 2.6 hereof, the Guidelines, and the report of the assessment engineer hired by the County.

3.4 **Assessment Installments.** Pursuant to NRS 271.405(2), the Developers hereby elect to pay the assessments against all the property it owns in the District in installments, with interest thereon as provided in the assessment ordinance. There will be not more than fifty substantially equal semiannual installments due, which substantially equal semiannual installments will include principal and interest. Each Developer waives the right to pay the whole assessment within 30 days after the effective date of the assessment ordinance [except which Developers shall pay the assessment within ten days of the adoption of the assessment ordinance].

3.5 **Interest Rate.** The interest rate on the assessments will be a fixed interest rate which will be fixed by the County at a rate that is one percentage point above the highest interest rate on any installment of principal of the Bond unless a lesser amount is agreed to by the County in its sole discretion. Any interest received that is not used to pay the principal

and interest on the Bond will be applied annually by the County, in its sole discretion, to the payment of the reasonable administrative and other expenses of the County in connection with the Bonds, the assessments and the Project, and to the extent not so used shall be applied as provided in Section 3.7.B. below. The interest rate on the Bond shall not exceed by more than three percent the Index of Twenty Bonds which was most recently published before the bids are received or the negotiated offer is accepted.

3.6 **Installment Due Dates.** Assessment installments shall bear interest at the rate specified as provided in Section 3.5 hereof from the date specified in the assessment ordinance until paid in full. The parties anticipate that forty amortized assessment installments of principal and interest will be due semi-annually on June 1 and December 1 of each year, commencing on the date set forth in the assessment ordinance. The County may in connection with a refunding of the Bonds, change the assessment amortization, installment dates and payments and any other terms of the assessments permitted to be changed pursuant to NRS 271.488, in the manner provided in NRS 271.488.

3.7 **Bond Reserve.**

A. **Bond Reserve Defined.** A reserve fund (the "Bond Reserve") in the amount of the combined maximum annual principal and interest coming due on the assessments in any one year, or if smaller, such percentage thereof which equals the lesser of (i) the maximum amount of principal and interest due on the Bonds in any year or (ii) the maximum amount permitted to be funded with the proceeds of the Bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code") (the "minimum reserve requirement"), will be created with the proceeds of the Bonds. The Bond Reserve will be used as additional security for the Bonds to pay any principal and interest on the Bonds when due, if the payments of the assessment installments are insufficient for that purpose.

B. **Application of Interest Income.** All amounts in the Bond Reserve in excess of the minimum reserve requirement, derived from interest earned on amounts in the Bond Reserve or otherwise shall be applied at least annually to the following in the following order of priority:

1. **First,** to pay the principal of and interest on the Bond then due to the extent not provided from capitalized or accrued interest or from the assessment installments and interest. Interest used under this clause to pay the principal of and interest on

the Bond shall be applied before a withdrawal is made from the balance in the Bond Reserve.

2. Second, to restore the Bond Reserve to the minimum reserve requirement if it is not then at that level.

3. Third, to pay all administrative and other expenses of the County associated with the Project, the Bond or the assessments.

4. Fourth, to provide any credit or refund then owed under paragraph D of this section.

5. Fifth, for transfer to the construction fund established to pay costs of the Project.

The County will, by August 1 of each year, commencing on August 1, 2019, compute the application of interest earnings as described above, and interest earnings applicable as provided in Section 3.5 hereof, and such computation shall be available for inspection by the Developer.

C. **Delinquent Assessment Reimbursement.** If because of any delinquent assessment an amount is withdrawn from the Bond Reserve to pay the principal of or interest on the Bonds, and that assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of the delinquent assessment), an amount equal to the greater of (i) the amount withdrawn plus interest at the assessment interest rate, or (ii) the amount necessary to restore the Bond Reserve to the minimum reserve requirement, to the extent available from that payment of the delinquent assessment (including penalty and interest but after payment of costs of collection) shall be paid to the Bond Reserve from the payment of the delinquent assessment.

D. **Refunds.** Except as provided in the succeeding sentence, at the time the assessment against any parcel of property is paid in full or in part, that parcel of property shall be entitled to a credit equal to its pro rata share of the balance then in the Bond Reserve, and the minimum reserve requirement shall be recalculated to reflect the payment of such assessment as determined by the County. No credit shall be made to the extent the balance in the Bond Reserve after granting the credit would be less than the minimum reserve requirement, as recalculated, but if this structure prevents all or a part of a credit, a refund in an amount equal to the credit that was not granted shall be made if and when money is available in the Bond Reserve to make the payment and as otherwise provided in paragraph B hereof.

E. **Use for Other Purposes.** This section does not entitle property owners or any other person to a refund of amounts in the Bond Reserve and the County is authorized to use amounts in the Bond Reserve for other purposes in connection with any refunding of the Bond even if it reduces or eliminates any refunds that might otherwise be available.

3.8 **Waiver.** Each Developer agrees: (i) that all of the property owned by it in the District is benefitted by the improvements proposed to be constructed and acquired in the District by an amount at least equal to the amount proposed to be assessed against those properties listed in the assessment roll attached as Exhibit H; and (ii) that the County may assess those properties in the amounts listed in the assessment roll. Each Developer waives any and all formalities required by the laws of the United States and the State of Nevada in order to impose such assessments. Each Developer consents and agrees to the assessments listed in the assessment roll for the property and agrees that, provided the Bond is issued, those assessments must be made regardless of whether any or all of the improvements proposed to be constructed as described herein are in fact constructed or any provisions of Article 3 hereof are followed and agrees that the County may proceed to collect and enforce the assessments in the manner described herein and in the County Documents regardless of whether it completes the acquisition or construction of the improvements or complies with Article 3 hereof. Each Developer waives all powers, privileges, immunities and rights as against the County or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the County, the Board and the officers of the County (including, without limitation, the proper description of all property which each Developer may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District and the levying of special assessments to meet the cost and expenses of the improvements in the District. Each Developer consents and agrees to be bound and consents and agrees that all property in the District owned by such Developer, including, without limitation, the Assignment of Beneficial Interest in Water Rights relating to each parcel in the District, be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities. Each Developer also represents and warrants that the market value of each parcel owned by it in the District on the date of execution hereof and the date the

assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel.

3.9 **Consent to Reapportionments.** The County may, at its option, refuse to reapportion any assessments levied pursuant to this Agreement and NRS chapter 271 unless the owner(s) of all of the property upon which such reapportioned assessments would be levied provide prior written consent.

ARTICLE 4. MISCELLANEOUS.

4.1 **Federal Tax Covenant.** TRIGID covenants that it will not take any action or omit to take any action with respect to the Bond, the proceeds thereof, any other funds of TRIGID or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bond to lose its exclusion from gross income for federal income tax purposes under § 103 of the Tax Code; or (ii) would cause interest on the Bond to lose its exclusion from alternative minimum taxable income as defined in § 55(b)(2) of the Tax 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 Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect until the date on which all obligations of the County in fulfilling the tax covenant contained in the bond ordinance and relating to the Bond have been met.

4.2 **County Documents.** TRIGID and the Developers agree to all provisions of those County Documents now on file with the County Clerk as of the date hereof. Any County Documents not now on file and changes to or additions to the County Documents must be approved by the County, TRIGID and the Developers. This section does not require TRIGID's or the Developer's approval of any new County Document or any change in the County Documents if the Developer's aggregate land holdings in the District consist of land on which there are unpaid assessments which represent, at the time of the adoption of such new or changed County Document, less than 50% of the aggregate unpaid assessments in the District.

4.3 **Permits.** TRIGID hereby represents and warrants to the best of its knowledge after reasonable investigation that it has all discretionary governmental or other permits required to proceed with development of its property and the Project and has paid all fees relating thereto and any other fees owing with respect to the Project except as provided in Exhibit K. TRIGID covenants that it will obtain any permits it does not now have and pay all

fees due. There is no impediment, TRIGID's knowledge, to proceeding with the Project to completion and proceeding with the development of the land in the District.

4.4 **Permitted Investments.** Any funds invested by the County under this Agreement may be invested in any investment that would be lawful for the County under the provisions of chapter 355 and 356 of NRS.

4.5 **Indemnification; Insurance.**

A. **Indemnification To County.** Each Developer agrees to protect, indemnify, defend and hold the County, its officers or employees and agents and each of them harmless from and against any and all claims, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees, and court costs which the County, its officers, employees or agents or any combination thereof may suffer or which may be sought against or recovered or obtained from the County, its officers, employees or agents or any combination thereof as a result of or by reason of or arising out of or in consequence of: (i) the acquisition, construction or financing of the improvements acquired by TRIGID pursuant to this Agreement; (ii) any environmental or hazardous waste conditions (a) which existed on any of the Project Property at any time prior to final acceptance of the Project by the Applicable Government or which was caused by such Developer or (b) which existed on any of the property which is assessed at any time while such Developer owned the property or which was caused by such Developer, provided said condition was not caused by the deliberate action of the County; or (iii) any act or omission negligent or otherwise of such Developer or any of its subcontractors, agents or anyone who is directly employed by or acting in connection with such Developer or any of its subcontractors, or agents, in connection with the Project. This Section 4.5 is not intended and shall not be construed to be a warranty of the construction, workmanship or of the materials or equipment incorporated in the Project.

B. **Defense of Suits.** Each Developer agrees that it shall at its sole cost and expense defend (including, without limitation, by paying the cost of attorneys selected by the County to assist in such defense) the County, its officers, employees and agents and each of them in any suit or action that may be brought against it or any of them by reason of the County's involvement in the Project and the financing thereof or any act or omission negligent or otherwise the consequences of which each Developer has agreed to indemnify the County, its officers, employees or agents. If the Developers fail to do so, the County shall have the right

but not the obligation to defend the same and charge all of the direct or incidental costs of such defense including any attorneys fees or court costs to and recover the same from any of the Developers.

C. **Exception.** No indemnification is required to be paid by the Developers for any claim, loss or expense arising from the willful misconduct or gross negligence of the County, its officers or employees and agents.

D. **Survival.** The provisions of this section shall survive the termination of this Agreement. It is not intended by the parties hereto that this indemnification provision revive any claim of or extend any statute of limitations which has run against any third party.

E. **Insurance.** TRIGID shall procure and maintain during the course of this Agreement the insurance coverages that meet or exceed those required in public works construction agreements entered into directly with the County. Such requirements, as they currently exist, are set forth in Exhibit Q attached hereto. Said insurance requirements may be amended from time to time and an updated copy of such requirements is available from the County upon request. All contracts entered into by TRIGID for the completion of work or professional services required pursuant to this Agreement shall contain indemnification and insurance clauses to protect the County's interest.

4.6 **No Third-Party Beneficiaries.** None of the provisions of this Agreement are intended to make any person who is not a party to this Agreement, including, without limitation, the subsequent owners of any property assessed, any subcontractor for the project, the general public or any member thereof, a third party beneficiary hereunder or to authorize anyone who is not a party to this Agreement to maintain any suit pursuant to this Agreement for any reason, including, without limitation, any suit for personal injuries or property damage and any suit by a subcontractor for the project for payment for work performed at the request of TRIGID, except that the Applicable Governments are beneficiaries of the provisions hereof that specifically provide the Developers' obligations to those Governments.

4.7 **No Guarantee of Water Capacity.** Nothing in this Agreement or any other document involving the District, nor the installation by way of the District of, or the assessment of the property within the District for, water facilities shall be taken as a guarantee,

promise or representation by the County that water treatment capacity will be made available to the property in the District.

4.8 **Continuing Disclosure.** The County, TRIGID and the Developers agree to execute a continuing disclosure agreement or certificate in a mutually acceptable form prior to the issuance of the Bond obligating each party to make certain disclosures on an ongoing basis as required under Rule 15c2-12 of the United States Securities Exchange Commission ("Rule 15c2-12") as may be requested by the State of Nevada. If the parties are unable to agree on a form of agreement or certificate, the Bond will not be issued.

4.9 **Successors; Assignments.** This Agreement shall be binding upon and inure to the benefit of the County, TRIGID and the Developers and their respective successors and assigns. No assignment of this Agreement or any right or obligation hereunder by any Developer hereto shall be valid unless the other parties hereto each consents to such assignment in writing.

4.10 **Inspection of Books.** The County will permit TRIGID and the Developers to inspect its books and records pertaining to the District, including but not limited to, information relating to bond principal outstanding, interest disbursements, and balances of funds held by or on behalf of the County.

4.11 **Entire Agreement.** This Agreement, including the exhibits hereto, constitutes the entire agreement of the parties hereto. This Agreement may be modified by the parties hereto but only by a written instrument signed and acknowledged by each party and recorded with the County Recorder of the County.

4.12 **Further Assurances.** The Developers, TRIGID and the County agree to do such further acts and things and to execute and deliver to the other such additional certificates, documents and instruments as the other may reasonably require or deem advisable to carry into effect the purposes of this Agreement or to better assure and confirm unto the other parties its rights, powers, and remedies hereunder. Each Developer shall execute all consents, certificates and other documents which the County or the purchaser of the Bond reasonably request in connection with the sale of the Bond.

4.13 **Obligations of Developer; Guarantee.** The obligations of each Developer under Articles 2 and 4 hereof are obligations of each such Developer upon which each such Developer is personally liable and which are also secured by the guarantee attached hereto

as Exhibit I. The obligations to pay assessments in Article 3 pertain only to the land owned by each Developer in the District and are not personal obligations of each Developer.

4.14 **Notices.** All notices, demands, instructions and other communications required or permitted to be given to or made upon any party hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the COUNTY:

Storey County, Nevada
County Manager
PO Box 176
Virginia City, Nevada 89440

If to the DEVELOPERS:

[Developer]

If any notice hereunder is given to the County, a copy shall be forwarded by first class mail, postage prepaid, to the County's Engineer, Chief Financial Officer and District Attorney at:

Farr West Engineering
5510 Longley Lane
Reno, Nevada 89511

Chief Financial Officer
PO Box 176
Virginia City, Nevada 89440

and

District Attorney
PO Box 176
Virginia City, Nevada 89440

4.15 **No Waivers.** No failure or delay on the part of either party in enforcing any provision shall operate as a waiver thereof, nor shall any single or partial enforcement of any provision hereof preclude any other or further enforcement or the exercise of any other right, power or remedy that either party may have.

4.16 **Attorneys' Fees.** If the County incurs attorneys' fees or expenses or any other fees and expenses in connection with the actual or overtly threatened breach by any other party of any provision hereof or in enforcing the provisions hereof, the County shall be entitled to recover such fees and expenses from the Developers.

4.17 **Severability.** If any provision of this Agreement is deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof that can be given effect without the invalid or unenforceable provision and the County, TRIGID and Developers agree to replace such invalid or unenforceable provision with a valid provision which has, as nearly as possible, the same effect.

4.18 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada.

4.19 **No County Obligation.** Nothing herein obligates the County to expend any money other than funds derived from the sale of the Bond and amounts received from the

investment thereof and receipts from the assessments made against the property in the District. Nothing herein obligates the County to issue the Bond; however, the obligations of the Developers hereunder (except as provided in the following sentence) are contingent on the issuance of the Bond by the County. If the Bond is not issued by June 1, 2019 for any reason, this Agreement may be terminated by any of the parties, but the Developers shall be responsible for payment of all of the costs incurred by Developers and by the County prior to that date. The amount of such costs incurred by the County shall not be contestable or appealable, absent fraud or gross abuse of discretion. The Developers shall pay to the County the costs submitted in the County's statement within thirty (30) days after receiving notice of the amount of the costs.

4.20 **Termination Date.** Except as otherwise provided in Sections 2.1.C.4, 4.1 and 4.5 hereof, this Agreement shall be in effect from the date and year first mentioned above until the later of: (i) the date all of the Bond and all bonds issued to refund any of the Bond (including through a series of refundings) have been retired; or (ii) the date on which all of the assessments against property in the District have been paid in full.

4.21 **Counterparts.** This Agreement may be executed on one or more counterparts, each of which shall be regarded as an original and all of which shall constitute the same Agreement.

4.22 **Recordation.** After this Agreement is executed in full, the County shall, within ten (10) working days, record this Agreement in the office of the County Recorder, after which this Agreement:

A. Is a binding obligation on all subsequent owners of the property described in Exhibit A pursuant to the terms hereof;

B. Is not extinguished by the sale of any property on account of nonpayment of general taxes or any other sale of the property; and

C. Is prior and superior to all liens, claims, encumbrances and titles other than the liens of assessment and general taxes.

4.23 **Conveyance Restriction.** Each Developer agrees not to convey any parcel, lot or real property interest in any land described in Exhibit A to any party until after this Agreement has been recorded in the office of the County Recorder.

4.24 **Disclosure to Transferee.** Each Developer agrees to inform any transferee of the property described in Exhibit A of the existence of this Agreement and the

assessments and to obtain from any transferee who is known to such Developer to be acquiring a lot for development and resale a covenant to make a similar disclosure to any subsequent transferee. A form disclosure statement, which each Developer agrees to use commercially reasonable efforts to deliver to all purchasers of the property described in Exhibit A, is attached as Exhibit I.

4.25 **Execution Authorization.** The persons executing this Agreement hereby state and acknowledge that they are authorized and empowered to do so on behalf of the party so designated.

4.26 **Construction; Time.**

A. The language of this Agreement shall be construed as a whole according to its fair meaning and intent and not strictly for or against any party. Both parties were represented by counsel in the negotiation of this Agreement, and this Agreement shall be deemed to have been drafted by both of the parties.

B. Time is of the essence of this Agreement and all terms, provisions, covenants, and conditions hereof.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF the County and the Developer have caused this Agreement to be executed as of the day and year first mentioned above.

STOREY COUNTY, NEVADA

Chairman of the Board
Board of County Commissioners
Storey County, Nevada

(SEAL)
ATTEST:

County Clerk
Storey County, Nevada

TRI GENERAL IMPROVEMENT
DISTRICT, NEVADA

Chairman of the Board

SUPERNAP RENO LLC

TAHOE-RENO INDUSTRIAL CENTER
LLC

By: _____
Title: _____

By: _____
Title: _____

SILVER SLATE LLC

TESLA MOTORS INC.

By: _____
Title: _____

By: _____
Title: _____

EAGLE VALLEY ACQUISITION LLC

By: _____
Title: _____

1200 USA PARKWAY LLC

By: _____
Title: _____

COMSTOCK TRIC ASSOCIATES LLC

By: _____
Title: _____

TRIC ACQUISITION LLC

By: _____
Title: _____

EMERALD CITY EMPIRE LLC

By: _____
Title: _____

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

This instrument was acknowledged before me on _____, 2018, by
Chairman of the Board of County Commissioners, Storey County, Nevada.

Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

This instrument was acknowledged before me on _____, 2018, by _____
_____, as County Clerk, Storey County, Nevada.

Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of TRI General Improvement District.

Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Supernap Reno LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Tahoe-Reno Industrial Center LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Silver Slate LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Tesla Motors Inc..

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Eagle Valley Acquisition LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of TRIC Acquisition LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of 1200 USA Parkway LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Emerald City Empire LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

 This instrument was acknowledged before me on _____, 2018 by
_____ as _____ of Comstock TRIC Associates LLC.

 Witness my hand and official seal.

(NOTARY SEAL)

Notary Public for the State of Nevada

Exhibit A-1
Legal Description of Developer Property

The following land situated in the County of Storey, State of Nevada, and described as follows:

APN 005-111-12

APN 005-111-66

APN 005-111-67

APN 005-011-75

APN 005-011-88

APN 005-011-94

APN 005-011-81

APN 005-011-84

APN 005-011-58

APN 005-011-65

APN 005-011-66

APN 005-011-70

APN 005-011-45

APN 005-011-46

APN 005-011-48

APN 005-011-49

APN 005-011-50

APN 005-011-85

APN 005-011-89

APN 005-071-08

APN 005-071-12

APN 005-071-57

APN 005-081-07

APN 005-081-10

APN 005-091-29

APN 005-091-42

APN 005-091-44

APN 005-091-45

APN 005-091-47

APN 005-091-49

APN 005-091-52

APN 005-111-48

APN 005-051-29

APN 005-051-30

APN 005-051-53

APN 005-051-57

APN 005-101-36

APN 005-101-39

APN 005-101-40

Exhibit A-1
Legal Description of all Property in District

The following land situated in the County of Storey, State of Nevada, and described as follows:

Exhibit B
Title Exceptions to Developer Property

Exhibit C
Subproject Descriptions
Purchase Prices, and Completion Dates

Exhibit C – Appendix 1
Map of Developer Property

Exhibit C -- Appendix 2
Map Showing Location of Each Subproject

Exhibit D
Current Prevailing Wages

Exhibit E
Developer Payment Request Form

Date: _____

To:

Dear _____:

Attached please find documentation [including lien releases] evidencing a payment request in the total amount of \$ _____. The payment request is as contemplated and described in the Financing Agreement for the expenses and costs heretofore paid by TRIGID and listed in the attached itemized statement, as contemplated by the District Financing Agreement between us and Storey County dated _____, 2015: (itemize and detail expenses or costs on an attached sheet(s))

Please remit via wire transfer to the following:

Bank Name:

ABA #:

Account Number:

Account Name:

Reference: SAD No. 01 – Subproject No. _____

Thank you.

TRIGID

By: _____

Title: _____

Exhibit F
List of County Documents

	<u>Action</u>
Initial Resolution	To be Adopted and Filed
Preliminary Plans Resolution	To be Adopted and Filed
Full and Detailed Plans Resolution	To be Adopted and Filed
Necessity Resolution	To be Adopted and Filed
Ordinance Creating District	To be Adopted and Filed
Assessment Roll Resolution	To be Adopted and Filed
Assessment Ordinance	To be Adopted and Filed
Bond Ordinance	To be Adopted and Filed
Certificate of the Chief Financial Officer	To be executed following adoption of the Bond Ordinance

Exhibit G
Assessment Roll

Exhibit H
Disclosure Statement to Property Buyers

Storey County, Nevada
Special Assessment District No. 01 Information Form

Dear Property Owner,

You are about to purchase a property in Storey County, Nevada, Special Assessment District No. 01 (the "District"). THIS PROPERTY IS SUBJECT TO AN OUTSTANDING ASSESSMENT. Below are some commonly asked questions regarding special assessment districts. Please take the time to read through all of the information.

Why was the District created?

In _____ of 2018, Storey County issued \$ _____ in bonds to fund the acquisition and construction of certain water improvements specifically benefitting property located in the District.

What are my assessment installment payments used for?

To repay the principal and interest on the bonds issued to finance the water improvements.

Who is responsible for payment?

Each assessment constitutes a lien on the property similar to a property tax lien and must be paid by the property owner.

How often are assessments installments billed?

Assessment installments are billed semi-annually. Assessment payments are due March 1 and September 1 of each year until _____. Late penalties for delinquent installments can be substantial. To avoid late penalties and potential sale and foreclosure proceedings, please pay the amount due prior to each due date. Late penalties accrue at the first of each month if payment is not received on or before each due date.

Can the assessment be paid in advance?

Yes. The assessment may be paid in full at any time, if interest is also paid to the next assessment installment payment date.

Is there a premium charged for prepaying my assessment?

Yes. The prepayment premium is _____ % of the outstanding principal balance.

What happens if I sell my property?

The remaining assessment may be transferred to the new owner at the time of sale or paid off in advance as described above.

Are there penalties for failure to pay/underpayment of assessment installments?

Yes. If an assessment payment is not received by its due date indicated on the bill, a late penalty of 2% per month of the total outstanding assessment will be imposed. In addition, failure to pay an assessment installment when due may cause the whole amount of the outstanding assessment to become due and payable immediately as a result of the commencement of sale or foreclosure proceedings.

What about Overpayments?

If an overpayment is received, the amount of the overpayment will be credited in accordance with policy established by the County.

Is my assessment limited to the property I own?

Yes. The assessment levied on any property owner's parcel is limited to that individual piece of property. As a property owner, you will never be liable for any other owners' assessments.

Exhibit I
Form of Guarantee

GUARANTY

This Guaranty ("**Guaranty**") is made and entered into as of the ____ day of _____, 2015, by Tahoe-Reno Industrial Center LLC, a Nevada limited liability company ("**Guarantor**"), and delivered to the Storey County ("**County**"), a political subdivision of the State of Nevada, with respect to the following facts and circumstances:

A. The Board of County Commissioners of the County proposes to establish Storey County, Nevada, Improvement District No. 01 (Tahoe-Reno Industrial Center) (the "**District**") pursuant to Chapter 271 of the Nevada Revised Statutes ("**NRS**") and to sell certain limited obligation special assessment bonds (the "**Bonds**") for the purpose of constructing certain public improvements in the District.

B. In order to provide moneys for the payment of principal, interest and premium, if any, on the Bonds, [Developer], a Delaware limited liability company ("**Developer**"), as the sole owner or representative of the owners of assessable property in the District, was required, pursuant to NRS 271.710 and 271.720 to enter into a written agreement for the acquisition or construction, or both, of such public improvements, designated in connection with the District as the "District Financing Agreement" and dated as of _____, 2018 (the "**Agreement**"), by and among the County, TRIGID and the Developers. The Agreement provides for assessments, as more specifically described in the Agreement, on the property within the District, which constitute a lien on such property (the "**Assessment**" or "**Assessments**").

C. Any terms used herein and not otherwise defined shall have the meaning given them in the Agreement.

In consideration of the County's issuance of the Bonds to finance improvements, Guarantor has agreed, at the request of Developer and the County, to guarantee unconditionally certain terms of the Agreement.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Guarantor, Guarantor, as a separate and independent obligation of Guarantor to the County, agrees with the County as follows:

ARTICLE I. REPRESENTATIONS, WARRANTIES AND COVENANTS

Guarantor makes the following representations and warranties which shall be continuing representations and warranties, as long as any of Developer's obligations to perform under Article 1 and Article 3 of the Agreement have not been fully and satisfactorily performed.

Section 1.01 Guaranty Binding. This Guaranty is a valid and legally binding obligation of Guarantor enforceable in accordance with its terms.

Section 1.02 No conflict. The execution and delivery of this Guaranty are not, and the performance of this Guaranty will not be, in contravention of, or in conflict with, any agreement, indenture or undertaking to which Guarantor or Developers are parties.

ARTICLE II. GUARANTY

Section 2.01 Guaranty. Guarantor unconditionally guarantees and promises to:

(1) In the event Developers fail to do so, pay all costs of engineering design, appraisals, environmental work, property acquisition, title work and engineering services for the Project for which Developers are obligated under the Agreement and which are incurred or due and payable prior to the time Bonds are issued for the District or in the event Bonds are not issued.

(2) In the event the cost of construction together with all other costs paid from the proceeds of the Bonds issued for the District exceeds the amount of the proceeds of those Bonds available for payment of those costs, and should Developers fail to do so, pay in cash the amount of any such cost overruns when due.

(3) In the event Developers fail to do so, and other moneys are not available for payment of such costs, remedy any defects in any subproject and pay for any damage to other work resulting there from which shall appear within one (1) year from the date of transfer of title of that subproject to the County or TRIGID, whichever is applicable.

(4) In the event Developer fails to do so, protect and indemnify and hold the County, its officers or employees and agents and each of them harmless as provided in Article 3 of the Agreement.

(5) In the event the Developer fails to do so, otherwise fully and satisfactorily perform all of the Developer's obligations under Article 2 and Article 4 of the Agreement.

Section 2.02 Limitation. This Guaranty extends to those obligations of the Developers which are described in Section 4.13 of the Agreement as being personal obligations of the Developer, but does not extend to those assessment obligations described in that Section 4.13 of the Agreement as relating only to the Developers' property.

ARTICLE III. MISCELLANEOUS

Section 3.01 Governing Law; Jurisdiction and Venue. This Guaranty shall be governed by and construed in accordance with the laws of the State of Nevada. In the event that the County in its sole and absolute discretion, determines that it is necessary to enforce its rights hereunder through litigation, Guarantor hereby consents to the jurisdiction of any federal or state court in the State of Nevada over such litigation. The Parties stipulate to venue in such courts in Storey County, Nevada.

Section 3.02 Modification. The parties to the Agreement shall not enter into any alteration or modification thereof which would in any way increase the extent of the Guarantor's

obligations hereunder, or which would make performance by the Developers more difficult, without first obtaining Guarantor's written consent. Guarantor shall have the benefit of any modification of the obligations of the Developers under the Agreement, and shall also have the benefit of any settlement, compromise, or adjustment of any claims of the County arising out of the Agreement.

Section 3.03 Waivers. Guarantor waives any right to require the County to proceed against any other person liable for performance guaranteed hereby, to proceed against or exhaust any security held from any other person or to pursue any other remedy, including without limitation any remedy against Developers, and Guarantor understands and acknowledges that any demand upon Guarantor to perform under this Guaranty may, at the sole and absolute option of the County, be enforced against Guarantor as a separate and independent action apart from the obligation of the Developers that is secured by this Guaranty. Guarantor understands and acknowledges that NRS 40.430 does not apply to this Guaranty, and if it should ever be interpreted as applying, Guarantor specifically waives any right that it may otherwise have under and by virtue of NRS 40.430. The County may, at its election, exercise any right or remedy it may have against any other person or any security held by the County, without affecting or impairing in any way the liability of Guarantor hereunder, except to the extent the obligations guaranteed hereby are fully and satisfactorily performed, and Guarantor waives any defense arising out of the absence, impairment or loss of any right of reimbursement, contribution or subrogation or any other right or remedy of Guarantor against any security whether resulting from such election by the County or otherwise.

Section 3.04 Notice. All notices, demands, instructions, and other communications required or permitted to be given to, or made upon, any party hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the COUNTY: Storey County, Nevada
 Attn: County Manager
 PO Box 176
 Virginia City, Nevada 89440

If to the DEVELOPERS: Use same addresses as in District Financing Agreement

If to the GUARANTOR: Same address as _____

TAHOE-RENO INDUSTRIAL CENTER, LLC
a Nevada limited liability company

By: _____

Its: _____

Exhibit J
Description of Permits Required

The Subprojects require [Dust Control Permits; Grading Permits; Land Disturbance/Mitigation, Off-Site Construction Permits, National Pollutant Discharge Elimination System (NPDES) Permits, and section 404 Waters of the USA Permits]. Most of the design/construction documents have been approved by the required agencies for these required construction permits. The plans for the remaining projects are currently in agency review for approval.

Exhibit K
Audit Book Checklist

**STOREY COUNTY SID REIMBURSEMENT
PACKAGE CHECKLIST**

The Developer shall submit a Request for Reimbursement (Audit Book) after the completion of each subproject. In order to complete an effective and efficient audit, the Audit Book must be accompanied with a copy of the As-Built Plans (if As-Built are not available, copy of the latest Approved Plans), AND must provide all the items below or the audit book will not be reviewed and will be returned as incomplete:

1. The audit book submittal must be in a 3 ring binder(s) and organized by sections (tabs).
2. The first section (Reimbursement) will provide:
 - ☐ a. The Transmittal Letter (attachment "A"). LOCATION: ☐ _____
 - ☐ b. Table of Contents
3. The second section (Agency Acceptance) will provide:
 - ☐ a. Executed Payment Request Form (see Exhibit to Financing Agreement). AMOUNT REQUESTED: _____
 - ☐ b. The subproject description. SAD#: 01 PROJECT #: _____
 - ☐ c. The SAD Bond Release letter (attachment "B") which indicates the subprojects improvements have been inspected and all punch items have been completed and is constructed in accordance with the plans and specifications on file with Storey County. HTE#: _____ AMOUNT: ☐ _____
 - ☐ d. Certificate of Acknowledgement (for SAD 01 and newer) with TRIGID's signature (applicable attachment) ("C" or "C1").
 - ☐ e. Written documentation of subproject Approval/Acceptance of other public entity, as applicable
4. The next sections shall be organized by contract(s) and should include:
 - ☐ a. Subproject itemized reimbursement Cover Sheet (attachment "D").
 - ☐ b. Notice to Proceed
 - ☐ c. Notice of Award
 - ☐ d. Contract
 - ☐ i. Back-up, including change orders, final quantities; including permits, surveying, geotechnical, engineering, construction, etc., for each subproject submitted for reimbursement. (*Cost breakdown will include the pro-rata share allocation for reimbursement for each contract for each subproject*)
 - ☐ e. Cancelled Check (clear and legible copies)

- ☐ f. Application for Payment/Invoice
- ☐ g. Lien Release (final payment)

5. The last section (Certified Payroll) will provide:

- ☐ a. Summary of certified payroll cover sheet (**attachment "E"**)
- ☐ b. Supporting documentation

If additional information is required during the review process, it will be requested in writing that TRIGID supply supplemental data.

Exhibit L-1

Form of Certificate of Acknowledgement of Subproject
(For Full Payment and with No Companion "A" or "B" Subproject)

**SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER)**

Ex. L-1

3. TRIGID has obtained by final subdivision or parcel maps, or by separate document, all dedications in fee simple and easements relating to Subproject ____ in accordance with Section 2.1.C. of the Agreement. The Developer has also transferred title to all public improvements comprising Subproject ____ by bill of sale or other appropriate transfer document pursuant to Section 2.1.D. of the Agreement.

4. The Developer has provided all required releases or lien waivers required by Section 2.1.D. of the Agreement related to Subproject ____, or furnished a bond or other collateral satisfactory to the County related to Subproject ____ pursuant to Section 2.1.D of the Agreement.

5. On the date hereof, the Developers have tendered a Guaranty Bond (as defined in the Agreement) related to Subproject ____ in the form and amount required by the Agreement.

6. Therefore, in accordance with Section 2.1.E. and 2.1.J. of the Agreement, the County hereby authorizes payment in the amount of \$_____ to TRIGID, such amount being equal to the least of (a) the reasonable actual costs of constructing Subproject ____, as solely determined by the County, (b) the purchase price for Subproject ____ set forth in Exhibit C to the Agreement (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. of the Agreement, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of Subproject ____, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs.

7. TRIGID acknowledges and agrees that this Certificate of Acknowledgement only relates to Subproject ____ and no other subproject comprising a portion of the Project, as defined by the Agreement.

8. The Developers acknowledge and agree that any payment and performance bond(s) required by Section 2.1.I. of the Agreement will remain in full force and effect and will not be released until all improvements guaranteed by said payment and performance bond(s) are completed in accordance with the approved plans, permits, standards, specifications and applicable codes, and other requirements of the County, and accepted for ownership and maintenance by the County as determined by the County and signed off by the County.

[The remainder of this page intentionally left blank.]

Exhibit L-2

Form of Certificate of Acknowledgement of Subproject
(For Partial Payment of "A" or "B" Subproject – Prior to Completion of Companion Subproject)

**CERTIFICATE OF ACKNOWLEDGEMENT OF
SUBPROJECT ___A* FOR PAYMENT**

**SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER)**

This CERTIFICATE OF ACKNOWLEDGEMENT OF SUBPROJECT ___ FOR PAYMENT, relating to a subproject within Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (herein, the "District") is made as of the ___ day of ___, 20___, by Eagle Valley Acquisition LLC, TRIC Acquisition LLC, Silver Slate LLC, Comstock TRIC Associates LLC, Supernap Reno LLC, Tahoe-Reno Industrial Center LLC, Tesla Motors Inc., 1200 USA Parkway LLC, Emerald City Empire LLC, and Comstock TRIC Associates LLC (collectively, the "Developers") the COUNTY OF STOREY, a political subdivision of the State of Nevada (hereinafter "County") and TRI General Improvement District ("TRIGID") a political subdivision of the State of Nevada. The Developers, the County and TRIGID are collectively referred to as Parties.

1. TRIGID has completed construction of the public improvements described in Subproject ___A of the District in accordance with the approved plans and permits therefor, including any approved amendments and addenda thereto, and in accordance with Sections 2.1.B.1 or 2.1.B.1., as applicable, and 2.1.G of the District Financing Agreement, dated September __, 2018 (the "Agreement") between the County, TRIGID and the Developers. Capitalized terms used in this Certificate of Acknowledgement and not otherwise defined have the meanings set forth in the Agreement.

2. All of the public improvements comprising Subproject ___A have been reviewed and approved by the Storey County.

3. TRIGID has transferred by final subdivision or parcel maps, or by separate document, all dedications in fee simple and easements relating to Subproject ___A in accordance with Section 2.1.C. of the Agreement. TRIGID has also transferred title to all public improvements comprising Subproject ___A by bill of sale or other appropriate transfer document pursuant to Section 2.1.D. of the Agreement.

4. The Developer has provided all required releases or lien waivers required by Section 2.1.D. of the Agreement related to Subproject ___A, or furnished a bond or other collateral satisfactory to the County related to Subproject ___A pursuant to Section 2.1.D of the Agreement.

5. Therefore, in accordance with Section 2.1.E. and 2.1.J. of the Agreement, the County hereby authorizes payment in the amount of \$ _____ to the Developer, such

* All references to "Subproject ___A" shall be changed to "Subproject ___B" in this form certificate if the "B" Subproject is completed prior to the companion "A" Subproject. Further, all references to "Subproject ___B" shall be changed to "Subproject ___A" in this form certificate if the "B" Subproject is completed prior to the companion "A" Subproject.

amount being equal to 90% of the least of (a) the reasonable actual costs of constructing Subproject ___A, as solely determined by the County, (b) the purchase price for Subproject ___A set forth in Exhibit C of the Agreement (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. of the Agreement, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of Subproject ___A, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs. Pursuant to Section 2.1.J. of the Agreement, the Developer acknowledges that an amount equal to 10% of the least of (a) the reasonable actual costs of constructing Subproject ___A, as solely determined by the County, (b) the purchase price for Subproject ___A set forth in Exhibit C, or (c) the amount of Bond proceeds available to pay the cost of such Subproject, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs, will be paid to the Developer only if a Certificate of Acknowledgement has been delivered to the Developer with respect to Subproject ___B.

6. The Developer acknowledges and agrees that this Certificate of Acknowledgement only relates to Subproject ___A and no other Subproject. Additionally, the Developer acknowledges and agrees that this Certificate of Acknowledgement does not in any way constitute acceptance of the public improvements comprising Subproject ___A by the County for ownership or maintenance. The Developer understands and agrees that the County will not accept the public improvements comprising Subproject ___A or be responsible for ownership or maintenance of the public improvements comprising Subproject ___A until a Certificate of Acknowledgement has been delivered to the Developer with respect to Subproject ___B. Until a Certificate of Acknowledgement has been delivered to the Developer with respect to Subproject ___B, the Developer understands and agrees that it will be responsible and liable for ownership and maintenance of the public improvements comprising Subproject ___A.

7. The Developer acknowledges and agrees that this Certificate of Acknowledgement does not commence the warranty period set forth in Section 2.1.F of the Agreement. The warranty period does not commence for Subproject ___A until a Certificate of Acknowledgement has been delivered with respect to Subproject ___B.

8. The Developer acknowledges and agrees that any payment and performance bond(s) required by Section 2.1.I. of the Agreement will remain in full force and effect and will not be released until completion of all improvements guaranteed by said payment and performance bond(s) are completed in accordance with the approved plans, permits, standards, specifications and applicable codes, and other requirements of the County, and accepted for ownership and maintenance by the County as determined by the County and signed off by the County.

In Witness Whereof, Developer, the County and TRIGID have caused this Certificate to be executed this ____ day of _____, 20__.

By: [Developer]
a Delaware limited liability company

Its: Agent
By: _____
Name: _____
Its: _____

STATE OF NEVADA)
)ss.
COUNTY OF STOREY)

On this ____ day of _____, 20__, before me, a Notary Public, personally appeared _____, who is the _____ of the _____, personally known (or proved) to me to be the person who executed the above instrument on behalf of said company, and acknowledged to me that he executed the same for the purposes therein stated.

NOTARY PUBLIC

By: Storey County
a political subdivision of the State of Nevada

Its: Agent
By: _____
Name: _____
Its: _____

STATE OF NEVADA)
)ss.
COUNTY OF STOREY)

On this ____ day of _____, 20__, before me, a Notary Public, personally appeared _____, who is the _____ of the _____, personally known (or proved) to me to be the person who executed the above instrument on behalf of said company, and acknowledged to me that he executed the same for the purposes therein stated.

NOTARY PUBLIC

By: TRIGID

Its: Agent
By: _____
Name: _____
Its: _____

Exhibit L-3

Form of Certificate of Acknowledgement of Subproject
(For Full Payment of "A" or "B" Subproject after Completion of Companion Subproject;
and For Balance Payment of Previously Completed Companion Subproject)

**CERTIFICATE OF ACKNOWLEDGEMENT OF
SUBPROJECT ___B* FOR PAYMENT**

**SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER)**

This CERTIFICATE OF ACKNOWLEDGEMENT OF SUBPROJECT ___ FOR PAYMENT, relating to a subproject within Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (herein, the "District") is made as of the ___ day of ___, 20___, by and among TRI General Improvement District ("TRIGID"), Storey County (the "County") and the Developers listed therein. The County, TRIGID and the Developers are collectively referred to as Parties.

1. TRIGID has completed construction of the public improvements described in Subproject ___B of the District in accordance with the approved plans and permits therefor, including any approved amendments and addenda thereto, and in accordance with Sections 2.1.B.1 or 2.1.B.1., as applicable, and 2.1.G of the District Financing Agreement, dated September __, 2018 (the "Agreement") between the County, TRIGID and the Developers. Capitalized terms used in this Certificate of Acknowledgement and not otherwise defined have the meanings set forth in the Agreement.

2. All of the public improvements comprising Subproject ___B have been reviewed and approved by the County or an agent thereof.

3. TRIGID has transferred by final subdivision or parcel maps, or by separate document, all dedications in fee simple and easements relating to Subproject ___B in accordance with Section 2.1.C. of the Agreement. TRIGID has also transferred title to all public improvements comprising Subproject ___B by bill of sale or other appropriate transfer document pursuant to Section 2.1.D. of the Agreement.

4. TRIGID has provided all required releases or lien waivers required by Section 2.1.D. of the Agreement related to Subproject ___B, or furnished a bond or other collateral satisfactory to the County related to Subproject ___B pursuant to Section 2.1.D of the Agreement.

5. On the date hereof, the Developers have tendered a Guaranty Bond (as defined in the Agreement) related to Subproject ___A and Subproject ___B in the form and amount required by the Agreement.

* All references to "Subproject ___B" shall be changed to "Subproject ___B" in this form certificate if the "B" Subproject is completed prior to the companion "A" Subproject. Further, all references to "Subproject ___B" shall be changed to "Subproject ___A" in this form certificate if the "B" Subproject is completed prior to the companion "A" Subproject.

6. Therefore, in accordance with Section 2.1.E. and 2.1.J. of the Agreement, the County hereby authorizes payment in the amount of \$_____ to TRIGID, such amount being equal to the least of (a) the reasonable actual costs of constructing Subproject ___B, as solely determined by the County, (b) the purchase price for Subproject ___B set forth in Exhibit C (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. of the Agreement, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of Subproject ___B, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs. Furthermore, pursuant to Section 2.1.J. of the Agreement, the County hereby authorizes payment in the amount of \$_____ to TRIGID, such amount being equal to 10% of the least of (a) the reasonable actual costs of constructing Subproject ___A, as solely determined by the County, (b) the purchase price for Subproject ___A set forth in Exhibit C of the Agreement (plus any additional proceeds available to be applied thereto pursuant to Section 2.1.M. of the Agreement, in the County's sole discretion), or (c) the amount of Bond proceeds available to pay the cost of Subproject ___A, as solely determined by the County after taking into account any allocation of Bond proceeds to other Subprojects and other costs.

7. TRIGID acknowledges and agrees that this Certificate of Acknowledgement only relates to Subproject ___B and, to the extent of the partial payment for Subproject ___B, to Subproject ___B, but to no other Subproject.

8. TRIGID acknowledges and agrees that any performance bond(s) required by Section 2.1.I. of the Agreement, or as may be required for improvements outside of the District, will remain in full force and effect and will not be released until completion of all improvements guaranteed by said performance bond(s), together with all other improvements included within the same HTE as such improvements (whether or not guaranteed by the performance bonds required for the District Subprojects), are completed in accordance with the approved plans, permits, standards, specifications and applicable codes, and other requirements of the County, and accepted for ownership and maintenance by the County as determined by the County and signed off by the County.

[The remainder of this page intentionally left blank.]

By: TRI General Improvement District, Nevada
a political subdivision of the State of Nevada

By: _____
Name: _____
Its: _____

Exhibit M
Insurance Requirements

INSURANCE REQUIREMENTS AND FORMS

- A. TRIGID further agrees, as a precondition to the performance of any work under the District Financing Agreement between Storey County, Nevada, TRI General Improvement District and the developers named therein for Special Assessment District 01 (Tahoe-Reno Industrial Center), hereinafter "Agreement, and as a precondition to any obligation of Storey County to make any payment under this contract, to provide Storey County with a work certificate and/or a certificate issued by an insurer qualified to underwrite workers' compensation insurance in the state of Nevada in accordance with Nevada Revised Statutes Chapters §616A through 616D, inclusive, whether or not TRIGID has employees.
- B. TRIGID agrees to maintain required workers' compensation coverage throughout the entire term of the contract. If TRIGID does not maintain coverage throughout the entire term of the contract, TRIGID agrees that Storey County may, at any time the coverage is not maintained by TRIGID, order TRIGID to stop work, assess liquidated damages as defined herein, suspend the contract, or terminate the contract.
- C. TRIGID shall furnish not later than **seven business days** after approval of the Agreement by the Storey County Board of County Commissioners, the insurance as indicated below. The certificates for each insurance policy shall be signed by a person authorized by that insurer and licensed by the State of Nevada.
- D. As a condition precedent to receiving payments, TRIGID shall have on file with Storey County current certificates of insurance evidencing the required coverage. Insurance certificates for Storey County should contain the information shown on the sample certificates attached.
- E. Each insurance company's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. Storey County requires insurance carriers to maintain a Best's Key Rating of A.VII or higher (i.e., A.VII, A.VIII, A.IX, A.X, etc.). The adequacy of the insurance supplied by the Developer, including the rating and financial health of each insurance company providing coverage, is subject to the approval of Storey County.
- F. TRIGID shall furnish renewal certificates to Storey County for the required insurance during the period of coverage required by the Agreement. TRIGID will furnish renewal certificates for the same minimum coverage as required in the Agreement. The request for updated renewal certificates will be sent by Storey County to TRIGID 30 calendar days in advance of the expiration date shown on the certificate of insurance. A second request will be sent if the renewal certificate is not received from within **seven business days**. If within 20 calendar days from the date of the request for an updated renewal certificate, the updated certificate has still not been provided, Storey County may declare TRIGID in default of its obligation under this paragraph.
- G. Storey County, its officers, employees, agents, and volunteers, **additionally**,
- ☐ **TRI General Improvement District**
 - ☐ **U.S. Bureau of Land Management (BLM),**
 - ☐ **ENTER OTHER**

must be expressly covered as insured's with respect to liability arising out of the activities by or on behalf of the named insured in connection with this project.

1. TRIGID's insurance shall be primary as respects Storey County, its officers, employees, agents, and volunteers, NV Energy, **additionally**,
- ☐ **TRI General Improvement District**
 - ☐ **U.S. Bureau of Land Management (BLM),**

□ **ENTER OTHER**

Any other coverage (insurance or otherwise) available to Storey County, its officers, employees and volunteers shall be excess over the insurance required of TRIGID and shall not contribute with it.

- H. TRIGID's commercial general liability and automobile liability insurance policy shall be endorsed to recognize specifically TRIGID's contractual obligation of additional insured to Storey County. All policies must note that Storey County will be given 30-calendar days advance notice by certified mail "return receipt requested" of any policy changes, cancellations, or any erosion of insurance limits. Either a copy of the additional insured endorsement, or a copy of the policy language that gives Storey County automatic additional insured status must be attached to any certificate of insurance.
- I. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed \$25,000.
- J. If aggregate limits are imposed on the insurance coverage, then the amount of such limits must not be less than **\$2,000,000** per occurrence or per accident. All aggregates must be fully disclosed and the amount entered on the required certificate of insurance. TRIGID's insurer must notify Storey County of any erosion of the aggregate limits. The "per occurrence" limits of insurance required herein must be maintained in full, irrespective of any erosion of aggregate.
- K. TRIGID shall obtain and maintain, for the duration of the Agreement or longer period if specified herein, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by TRIGID, its agents, representatives, employees or subcontractors of any tier. TRIGID is required to obtain and maintain the following coverage:
1. **Commercial General Liability:** Unless otherwise provided in the Agreement Documents or waived by Storey County, Commercial General Liability, including Asbestos Abatement Liability coverage shall be on "occurrence" basis only and not "claims made." The coverage must be provided on either an ISO Commercial General Liability form or an ISO Broad Form Comprehensive General Liability (including a Broad Form CGL Endorsement) insurance form. Policies must contain a primary and non-contributory clause and must contain a waiver of subrogation endorsement. Any exceptions to coverage must be fully disclosed on the required certificates. If other than these forms are submitted as evidence of compliance, complete copies of such policy forms must be submitted to Storey County within **seven business days** after notice of award. Policies must include, but need not be limited to, coverage for bodily injury, property damage, personal injury, Broad Form property damage, premises and operations, severability of interest, products and completed operations, contractual and independent contractors, whether the insurance for Asbestos Abatement Liability Coverage is supplied as an endorsement, or under a separate policy of insurance, the coverage must be evidenced on the Certificate of Insurance required in the Agreement. TRIGID shall maintain limits of no less than **\$1,000,000** combined single limit per occurrence for bodily injury (including death), personal injury and property damages.
 2. **Auto Liability:** Unless otherwise provided in the Agreement Documents or waived by Storey County, Auto Liability must provide coverage for claims for damage due to bodily injury or death of any person, or property damage arising out of the ownership, maintenance or use of **any motor vehicles whether owned, hired or non-owned**. TRIGID shall maintain limits of no less than **\$1,000,000** combined single limit "per accident" for bodily injury and property damage.
 3. **Builders Risk / Course of Construction:** Unless otherwise provided in the Agreement Documents or waived by Storey County, TRIGID shall purchase and maintain property insurance (builders' risk) upon the work at the site to the full insurable value. This insurance shall include the interests of Storey County, Storey County, Storey County's designated

representative, TRIGID, Subcontractors, and Subcontractors of any tier. Coverage shall be written on forms to include Fire, Extended Coverage, and Special Form including theft. TRIGID is responsible for the deductible for any claim made against the policy.

- L. If TRIGID fails to maintain any of the insurance coverage required herein, then Storey County will have the option to declare TRIGID in breach, or may purchase replacement insurance or pay the premiums that are due on existing policies in order that the required coverage may be maintained. TRIGID is responsible for any expenses paid by Storey County to maintain such insurance and Storey County may collect the same from TRIGID or deduct the amount paid from any sums due TRIGID under the Agreement.
- M. The insurance requirements specified herein do not relieve TRIGID of its responsibility or limit the amount of their liability to Storey County or other persons and TRIGID is encouraged to purchase such additional insurance, as it deems necessary.
- N. TRIGID is responsible for and must remedy all damage or loss to any property, including property of Storey County, caused in whole or in part by TRIGID, any subcontractor or anyone employed, directed or supervised by TRIGID. TRIGID is responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work.
- O. TRIGID shall pay all premiums and costs of insurance.
- P. Regardless of the coverage provided by any insurance policy, TRIGID shall, in addition to the provisions in Article IV, Section 4.5 of the Agreement, indemnify, defend and hold Storey County, and

☐

☐ U.S. Bureau of Land Management (BLM),

harmless from any and all claims, demands, actions, attorneys' fees, costs, and expenses based upon or arising out of any acts, errors, omissions, fault or negligence of TRIGID or its principals, employees, subcontractors or other agents while performing services under this Agreement. TRIGID shall indemnify, defend and hold harmless Storey County and others specified from any attorney's fees or other costs of defense, even if the allegations of the claim are groundless, false or fraudulent.

THIS ENDORSEMENT CHANGED THE POLICY. PLEASE READ IT CAREFULLY

**ADDITIONAL INSURED – DESIGNATED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY AND AUTOMOBILE LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization:

STOREY COUNTY, NEVADA
C/O
[ADDRESS]

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

STOREY COUNTY, ITS OFFICERS, EMPLOYEES AND VOLUNTEERS, ADDITIONALLY, THE STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION, U.S. BUREAU OF LAND MANAGEMENT (BLM), STOREY COUNTY SCHOOL DISTRICT (CCSD), ENTER OTHER, ARE INSURED WITH RESPECT TO LIABILITY ARISING OUT OF THE ACTIVITIES BY OR ON BEHALF OF THE NAMED INSURED IN CONNECTION WITH THIS PROJECT.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 15 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. Title: Consideration and possible approval of agreement between Storey County and TRI Center LLC (TRI) by which should County have to utilize the uncommitted portion of its general fund to make payments on the bond secured by the Storey County Special Assessment District No. 01 (SAD) TRI agrees that the amounts so provided will be credited against the vouchers issued by County to reimburse TRI for the costs of providing public infrastructure at the rate of 1.5 to 1. .

2. Recommended motion: I _____ (Commissioner) move to approve the agreement between Storey County and TRI by which TRI agrees that if County expends funds from the uncommitted portion of its general fund to make payments on the bond secured by the SAD, the amount of these funds will be credited against the vouchers issued by County to reimburse TRI for the costs of providing public infrastructure at the rate of 1.5 to 1..

3. Prepared by: Keith Loomis

4. Department: District Attorney's Office

Telephone: 847-0964

5. Staff summary: If the proceeds of assessment liens in Storey County Special Assessment District No. 01 and other sources of revenue are insufficient to make the bond payments secured by the SAD, as they become due, then the County would have to make up the shortfall in those payments to the extent that there are uncommitted monies available within the County's general fund. The proposed agreement provides that if the uncommitted portion of the general fund is utilized to make the bond payments, then to the extent that those funds are utilized, these funds will be credited against the outstanding vouchers issued by County to reimburse TRI for the costs of constructing public infrastructure at the rate of 1.5 to 1. Thus if County pays one million dollars from its general fund for bond payments, one million five hundred thousand dollars will be credited against the payments due on the vouchers.

6. Supporting materials: Proposed agreement between Storey County and TRI

7. Fiscal impact:

Funds Available:

Fund:

____ Comptroller

8. Legal review required:

X District Attorney

9. **Reviewed by:**

 Department Head
County Manager

Department Name: _____

Other agency review: _____

10. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No. _____

REIMBURSEMENT AGREEMENT

This agreement is entered into as of the date of the last person executing this agreement and is made between the County of Storey, a political subdivision of the State of Nevada (County) and Tahoe Reno Industrial Center, LLC, a Nevada limited liability company (TRI).

BACKGROUND

TRI is the primary developer of an industrial park in Storey County known as the Tahoe Reno Industrial Center (TRI Center). This development has occurred pursuant to a Development Agreement entered into between County and TRI dated February 1, 2000, a Memorandum of which is recorded in the offices of the Storey County Recorder as File No. 86804 (Development Agreement). Pursuant to the Development Agreement, TRI constructs public infrastructure at its own cost and then seeks reimbursement for these costs from County. The method by which TRI seeks to recoup its costs is set forth in the Development Agreement and in particular, Exhibit E to that agreement referred to as the TRI Public Private Partnership Capital Improvement Plan. Basically, the Development Agreement requires that County approve the costs incurred by TRI in constructing the infrastructure and then issue a voucher for the payment of the costs. The vouchers are paid by County from revenues determined by a formula set out in the Development Agreement. At present there are 16 outstanding vouchers requiring the payment of approximately \$42,189,000.00 to TRI.

Water and sewer systems within the TRI Center were constructed by TRI and dedicated to the TRI General Improvement District (TRIGID). The TRIGID has entered into an agreement with the Cities of Reno and Sparks (the Cities) by which TRIGID is obligated to construct an effluent pipeline from the Truckee Meadows Water Reclamation Facility (TMWRF) to the TRI Center. The Cities will then supply up to 4,000 acre feet of treated effluent water per year to TRIGID for distribution to customers within TRI Center. This effluent water will allow landowners within the TRI Center to continue to develop their properties. It is estimated that the cost of building the effluent pipeline will be approximately thirty-five million dollars (\$35,000,000.00). At present, TRI is obliged to

construct the pipeline at its cost, subject to reimbursement from entities benefitting from the effluent water, and to dedicate it to the TRIGID.

County has submitted an economic development financing proposal to the Governor's Office of Economic Development by which County seeks to sell thirty-five million dollars (\$35,000,000.00) worth of bonds to the State of Nevada. The State of Nevada will in turn issue its general obligation bonds to qualified investors. The purpose of the proposal is to obtain the funds to construct the effluent pipeline from TMWRF to the TRI Center. The acceptance of the proposal will benefit TRI and land owners within the TRI Center by reducing the cost of constructing the pipeline to them or by reducing their obligations to reimburse TRI for its costs of construction.

It is intended that if the bonds are issued that they will be repaid by establishing a special assessment district within the TRI Center. The parcels benefitting from the effluent water will be assessed an amount sufficient to repay the bonds as they become due. If the amount collected as a result of the assessments is insufficient to pay the bonds as they become due, there are a variety of other resources available such as a reserve account established from the bond proceeds and the proceeds from foreclosures on assessment liens to pay the bonds. If these other resources are insufficient to pay the bonds as they become due, then, to the extent that there is an uncommitted balance in County's general fund, that uncommitted balance must be used to make up any shortfall in the bond payments. It is the use of this uncommitted balance of County's general fund that has led to the execution of this agreement.

It is proposed that to the extent that County uses its uncommitted balance of its general fund to make payments on the debt represented by the bonds, that County will be entitled to credit this amount against its debt due on the vouchers issued to TRI at the rate of 1.5 to 1.

NOW THEREFORE IS IT HEREBY AGREED AS FOLLOWS:

1. **Obligation of Tahoe Reno Industrial Center LLC.** The obligation of TRI arises when bonds are issued by County which are payable from

assessments on lands within the special assessment district in TRI Center and the proceeds of the assessments and other resources are insufficient to meet the bond payments as they arise.

- a. When the proceeds of assessments and other resources are insufficient to pay the debt associated with the special assessment district bonds, the County will be required to use its general fund to the extent that there is an uncommitted balance in its general fund to make up the shortfall in the monies available to pay the bonds.
- b. TRI agrees that in such circumstance the amount of monies provided by County from its general fund will be credited against the debt owed by County to TRI as represented by the vouchers issued to TRI by County at the rate of 1.5 to 1. That is, for each dollar taken from County's general fund to pay for the amount owed on the special assessment district bonds, one dollar and fifty cents will be credited against the remaining amount due to TRI under the vouchers issued by County.
- c. The amount to be credited against the vouchers will be credited against the next payment due on the vouchers as determined by the formula set forth in the Development Agreement. For example, if County paid one million dollars from its general fund towards the amount due on special assessment district bonds, the amount of one million five hundred thousand dollars will be credited against the next payment due on the vouchers issued to TRI by County.

2. Obligations of Storey County.

- a. County will provide to TRI an accounting of the amount it was required to pay from the uncommitted portion of its general fund to meet obligation to make periodic payments on the special assessment district bonds. This accounting will be provided semi-annually within thirty (30) days of having to expend monies from its general fund for the bond payments. County will also provide information as to the amount it will credit against the vouchers issued to TRI and keep an accounting of the remaining debt due on the vouchers.

- b. In the event County is required to pay from the uncommitted portion of its general fund to meet the obligation to make periodic payments on the special assessment district bonds, and the County applies a credit against TRI's vouchers as specified in Section 1 above, then subsequently County receives reimbursement for its payment from the uncommitted portion of its general fund, County shall debit the amount of said reimbursement to TRI vouchers at the rate of one to one. For example, if County receives one million dollars in reimbursement, one million dollars will be credited to the vouchers..
- c. In the event County is required to pay from the uncommitted portion of its general fund to meet the obligation to make periodic payments on the special assessment district bonds, and the County applies a credit against TRI's vouchers as specified in Section 1 above, County hereby assigns to TRI any claim or cause of action against the party or parties responsible and legally liable to County for causing the proceeds to the assessments to be insufficient to meet bond payments as they arise.

3. Term of Contract. The term of this contract shall last for so long as there are special assessment district bonds upon which payments must be made. Once the bonds have been paid in full, this Agreement will be of no further force or effect.

4. Miscellaneous

- a. **PROPER AUTHORITY.** The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract.
- b. **Modification of Contract.** This Agreement constitutes the entire agreement between the parties and may only be modified by a written amendment signed by the parties .

- c. **Construction of Contract.** All disputes arising out of or related to this Contract will be governed by the laws of the state of Nevada, with venue in the First Judicial District Court in and for Storey County Nevada.
- d. **Counterparts and Facsimile Signatures.** This Agreement may be executed in two or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each party and delivered to the other party, it being understood that all parties need not sign the same counterpart. This Agreement may be executed by facsimile signatures.
- e. **NO INTERPRETATION AGAINST DRAFTER.** Each party recognizes that this Agreement is a legally binding contract and acknowledges that such party has had the opportunity to consult with legal counsel of choice. In any construction of the terms of this Agreement, the same shall not be construed against either party on the basis of that party being the drafter of such terms.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the dates hereafter set forth.

(Signatures on next page)

TAHOE-RENO INDUSTRIAL CENTER LLC, a Nevada limited liability company

By: Norman Properties, Inc. a California Corporation , Managing Member

DON ROGER NORMAN
President

Date: _____

COUNTY OF STOREY, a political subdivision of the State of Nevada

By: _____

Marshal McBride

Chairman

Board of County Commissioners of Storey County

Date: _____

ATTEST:

Vanessa Stephens

Clerk/Treasurer of Storey County



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 25 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Consideration and possible approval on second reading of ordinance 18-289 creating Storey County, Nevada Special Assessment District No. 01 (Tahoe-Reno Industrial Center); ordering a water project, within Storey County, Nevada.

2. **Recommended motion:** I, Commissioner (name), move to approve on second reading of ordinance 18-289 creating Storey County, Nevada Special Assessment District No. 01 (Tahoe-Reno Industrial Center); ordering a water project, within Storey County, Nevada.

3. **Prepared by:** Pat Whitten

Department: Commissioner's Office

Telephone: 847-0968

4. **Staff summary:** There are no changes to the ordinance proposed from the presentation on September 4, 2018 first reading.

5. **Supporting materials:** Draft Ordinance 18-289

6. **Fiscal impact:** Yes

Comptroller: *[Signature]*

A statutory provision of NRS 271 requires, in the case of default, that the "uncommitted portion of the County General Fund (estimated for FY 2019 at \$2.8 million) is a potential source for payment. Please note there are multiple sources of payment before this would happen including 1) Payment of the special assessments by the project participants (ie no default); 2) Foreclosure sale under expedited statutory provisions; 3) Payment from the administrative fund established which will have an initial balance equal to 1 year's bond payments and 4) Accruing balances in the administrative fund from interest rate spread and interest earnings. Additionally, TRI Principal Developer, Don Roger Norman has verbally agreed to execute a guarantee which would reimburse Storey County for any bond payments made from the County's General Fund at a rate of 1.5:1 should any such payment be required. Legal content is still pending.

7. **Legal review required:** Yes

KL District Attorney

KF – Bond Counsel

8. **Reviewed by:**

[Signature] Department Head

Department Name: Commissioner's Office

[Signature] County Manager

Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

Summary – An ordinance creating Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center), ratifying action taken by County officers toward the creation of such District and providing other matters related thereto.

BILL NO. 100

ORDINANCE NO. 18-289

AN ORDINANCE CREATING STOREY COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01 (TAHOE-RENO INDUSTRIAL CENTER); ORDERING A WATER PROJECT, WITHIN STOREY COUNTY, NEVADA.

WHEREAS, pursuant to NRS 271.325 an accurate estimate of cost, full and detailed plans and specifications, an assessment plat and other materials related to a water project (collectively, the "Project") to be acquired pursuant to NRS chapter 271 (the "Act") have been prepared and presented to the Board of County Commissioners (the "Board") of Storey County, Nevada (the "County"); and

WHEREAS, the Board hereby deems it necessary to create Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (the "District") for the purpose of acquiring and improving the Project, and for the purpose of financing the entire cost and expense of the Project by special assessments according to benefits levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, pursuant to the County's Developer Special Assessment District Guidelines, there has previously been presented to the Board a written petition in the form of an Economic Development Finance Proposal from Eagle Valley Acquisition LLC, TRIC Acquisition LLC, Silver Slate LLC, Comstock TRIC Associates LLC, Supernap Reno LLC, Tahoe-Reno Industrial Center LLC, Tesla Motors Inc., 1200 USA Parkway, Emerald City Empire LLC (collectively, the "Owners"), requesting the County to initiate the acquisition and improvement of the Project, to issue bonds, and to levy assessments pursuant to the Act, including, specifically, NRS 271.710 and 271.720; and

WHEREAS, the County, TRI General Improvement District and the Owners have entered into a District Financing Agreement (the "Financing Agreement"), for the acquisition and improvement of the Project which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Owners are collectively the owners of 100% of the assessable property comprising the District; and

WHEREAS, the Board and the officers of the County have done or caused to be done all things necessary and preliminary to the creation of the District, including, but not limited to, the filing by the County Engineer and Farr West Engineering (collectively, the "Engineer"), with the County Clerk of an accurate estimate of cost, full and detailed plans and specifications, an assessment plat and map and an assessment roll, and the Board now desires to authorize the Project by this ordinance; and

WHEREAS, the Board has determined and does hereby declare that this ordinance is adopted pursuant to NRS 271.710(1).

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

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 01 Creation Ordinance" (this "Ordinance").

Section 2. There shall be, and hereby is, created in the County an improvement district designated as "Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center)" for the purpose of acquiring and improving the Project, as more particularly described below. The Board, pursuant to NRS 271.325(1), has also determined and does hereby declare as follows:

- (a) the public convenience and necessity require the creation of the District;
- (b) the creation of the District is economically sound and feasible; and
- (c) the market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 3. The Project, which is hereby ordered to be acquired and improved, shall be located within the boundaries of the District and shall be as shown on the full and detailed plans and specifications for the District filed with the County Clerk. The kind and location of the Project (without mentioning minor details) is as follows:

The Project consists of the acquisition and construction of certain improvements within the District to include without limitation water improvements described in Section 4 of this Ordinance, and all appurtenances and incidentals necessary, useful or desirable, including

real and other property therefor, which is more particularly described (with all segment lengths to be current approximations subject to minor adjustment) as set forth below:

This project consists of the acquisition and improvement of a water project consisting of an approximately 13 mile water pipeline of an approximate diameter of 24 inches to deliver at a minimum 4,000 acre-feet of treated wastewater effluent from the Truckee Meadows Water Reclamation Facility in Sparks, Nevada, to the boundary of the Tahoe-Reno Industrial Center, including facilities appertaining to a municipal water system for the collection, transportation, and distribution of water, including without limitation pumping plants and stations, valves, standpipes, connections, hydrants, conduits, flumes, sluices, water transmission mains, pipes, lines, laterals, and service pipes, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings, and all appurtenances and incidentals necessary, useful or desirable for the acquisition, transportation and distribution of untreated water for commercial and industrial use (or any combination thereof), including real and other property therefor.

This cost includes the required improvements for maintenance access by TRIGID.

This project has an estimated construction cost of \$35,000,000, with an eligible assessment cost of not to exceed \$34,842,578.71 and an amount of \$157,421.29 to be paid in cash in lieu of an assessment. Anticipated acquisition and improvement of the project is expected to be completed in 18 months.

Section 4. The boundaries of the District, including the parcels to be assessed, are as follows:

The following land situated in the County of Storey, State of Nevada, and described as follows:

**SPECIAL ASSESSMENT DISTRICT NO. 01
(RENO-TAHOE INDUSTRIAL CENTER)**

DESCRIBED IN EXHIBIT D

Total area: approximately 3,769.18 acres

Section 5. The District shall constitute one construction unit with the projects and subprojects described in Section 3.

Section 6. All of the costs of the Project will be defrayed by assessments (except for an amount of \$157,421.29 to be paid in cash in lieu of an assessment). The assessments, levied in the principal amount not to exceed \$34,842,578.71, plus interest thereon, shall be payable in substantially equal semiannual installments as described in the Financing

Agreement. Assessments will be levied by proportional share of the process water resource effluent available to each property owner in the District from the Project, as more fully described in the ordinance levying the assessments.

Section 7. All actions, proceedings and matters previously taken, had and done by the Board and the officers of the County (not inconsistent with the provisions of this Ordinance), concerning the District and the Project, including but not limited to the performing of all prerequisites to the creation of the District, the entering into of the Financing Agreement, the acquisition and improvement of the Project, the determination of the specially benefited property therein, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 8. 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 limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds for the Project.

Section 9. Immediately upon the final adoption of this Ordinance, the Board shall, and hereby directs the County Clerk to, file in the office of the County Recorder, a certified copy of the list of the tracts to be assessed and the amount of maximum benefits estimated to be assessed against each tract in the District, as shown on the final assessment plat and map. Notwithstanding the foregoing, neither the failure to record such list nor any defect or omission in such list regarding any tract to be included in the District shall affect the validity of any assessment, the lien for the payment thereof or the priority of that lien.

Section 10. If bonds are issued for the Project, the Engineer is hereby authorized to approve all requests by TRI General Improvement District for payment by the County for the acquisition and improvement of each subproject described in the Financing Agreement, subject to and in accordance with the applicable provisions of the Financing Agreement. Upon such approval, the County Treasurer is hereby authorized to make such payments to TRI General Improvement District, without the necessity of any further authorization or approval by the Board.

Section 11. The Board may amend this Ordinance creating the District, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same

manner in which these actions were originally taken to add additional property to the District. The assessments may be redistributed between the assessable property originally in the District and the additional assessable property if:

(1) The owners of additional assessable property also consent in writing to inclusion of their property in the District and to the amount of the assessment against their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the District. The Board may amend this Ordinance creating the District, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to remove assessable property from the District. The assessments may be redistributed among the assessable property remaining in the District if:

(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the District.

Section 12. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, previously repealed.

Section 13. In accordance with NRS 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such Ordinance by publication at least once in the Comstock Chronicle, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before September 18, 2018, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE CREATING STOREY COUNTY,
NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER); ORDERING A
WATER PROJECT, WITHIN STOREY COUNTY,
NEVADA.**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for public examination at the office of the County Clerk of Storey County, at her office located at 26 S. B St. Drawer D, Virginia City, Nevada.

The following is a brief summary of the provisions of the Ordinance: The Ordinance authorizes the creation of Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (the "District") and the levy of special assessments according to benefits levied against the benefited lots, tracts and parcels of land in the District. The Ordinance sets forth that an Economic Development Financing Proposal was presented to the Board of County Commissioners of Storey County (the "Board") requesting the County to initiate the acquisition and improvement of a water project (the "Project"). The Ordinance provides for the issuance of bonds secured by the levy of special assessments against the benefited lots, tracts and parcels of land in the District to finance the Project. The Ordinance sets forth the boundaries of the District, the mechanics of the levy of special assessments and the details of the Project.

Such Ordinance was proposed on September 4, 2018 and will be considered for adoption at the regular meeting of the Board to be held on September 18, 2018. Prior to consideration of the Ordinance for final adoption, the Board will hold a public hearing on the proposed Ordinance at its regular meeting to be held on Tuesday, September 18, 2018 at 10:00 a.m. at the Storey County Commission Chambers, 26 South B Street, Virginia City, Nevada.

Copies of the Bill are on file in the office of the County Clerk, 26 S. B St. Drawer D, Virginia City, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing.

IN WITNESS WHEREOF, the Board of County Commissioners of Clark County, Nevada, has caused this notice to be published this September __, 2018.

(SEAL)

/s/ Vanessa Stephens
County Clerk

(End of Form for Publication)

Section 14. After this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the commissioners voting for or against its passage, and with a statement that typewritten copies of such Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Comstock Chronicle, a newspaper published and having general circulation in the County, at least once a week for a period of 2 weeks by 2 insertions, pursuant to NRS 244.100, and all laws thereunto enabling, such publication to be in substantially the following form:

(Form of Publication after final adoption of Ordinance)

BILL NO. _____

ORDINANCE NO. _____
(of Storey County, Nevada)

**AN ORDINANCE CREATING STOREY COUNTY,
NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER); ORDERING A
WATER PROJECT, WITHIN STOREY COUNTY,
NEVADA.**

Public Notice is hereby given that 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, at Storey County, Nevada, _____, Virginia City, Nevada; and that such ordinance was proposed by Commissioner _____ on September 4, 2018, and was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on September 18, 2018, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Those Voting Nay:

Those Abstaining:

Those Absent:

This Ordinance shall be in force and effect from and after the ____ day of October, 2018, i.e., the date of the second publication of such Ordinance by its title only.

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

DATED this September 18, 2018.

/s/ Marshall McBride
Chairman
Board of County Commissioners
Storey County, Nevada

(SEAL)

Attest:

/s/ Vanessa Stephens
County Clerk

(End of Form of Publication)

Section 15. If any section, paragraph, clause or other 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 other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on September 4, 2018.

Proposed by Commissioner _____

Passed September 18, 2018.

Vote:

Aye:

Nays:

Absent:

Attest:

Chairman
Board of County Commissioners
Storey County, Nevada

County Clerk

This Ordinance shall be in force and effect from and after the ____ day of October, 2018, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
STOREY COUNTY)

I am the duly chosen, qualified and acting County Clerk of Storey County (the "County"), in the State of Nevada (the "State"), do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of an ordinance introduced at a regular meeting of the Board of County Commissioners (the "Board") held on September 4, 2018, and passed and adopted by the Board at a regular meeting of the Board held on September 18, 2018; such copy of such ordinance is a true, correct and compared copy of the original passed and adopted by the Board at the designated meeting and the original of such ordinance has been approved and authenticated by the signature of the Chairman of the Board and myself as Clerk, and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

2. The members of the Board were present at each meeting and voted on the passage of such ordinance as provided therein.

3. All members of the Board were given due and proper notice of each meeting.

4. Public notice of each meeting attached as Exhibit A and Exhibit B was given and each such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of each such meeting and excerpt from the agenda for the meeting relating to the ordinance, as posted at least 3 working days in advance of the meeting at the Board's office, the County's website, the State's website, and three other locations, i.e., 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

5. At least three working days before such meeting, such notice was given to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in accordance with the provisions of Chapter 241 of NRS.

6. Affidavits of publication of the notice of filing of the Ordinance and notice of adoption of the Ordinance are attached hereto as Exhibit C.

IN WITNESS WHEREOF, I have hereunto set my hand on September 18, 2018.

County Clerk

EXHIBIT A

(Attach Copy of Notice of September 4, 2018 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 18, 2018 Meeting)

EXHIBIT C

(Attach Affidavits of Publication of Ordinance)

EXHIBIT D

(Attach list of parcels, legal description and map of District)



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 25 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Consideration and possible approval on second reading of ordinance 18-290 concerning Storey County, Nevada Special Assessment District No. 01 (Tahoe-Reno Industrial Center); and assessing the cost of local improvements against the assessable property benefited by the local improvements.
2. **Recommended motion:** I, Commissioner (name), move to approve on second reading of ordinance 18-290 concerning Storey County, Nevada Special Assessment District No. 01 (Tahoe-Reno Industrial Center); and assessing the cost of local improvements against the assessable property benefited by the local improvements.

3. **Prepared by:** Pat Whitten

Department: Commissioner's Office

Telephone: 847-0968

4. **Staff summary:** There are no changes to the ordinance proposed from the presentation on September 4, 2018 first reading.

5. **Supporting materials:** Draft Ordinance 18-290

6. **Fiscal impact:** Comptroller: _____

7. **Legal review required:** Yes

KL District Attorney

KF – Bond Counsel

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 levying assessments in Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center), ratifying action taken by County officers toward the levy of assessments, and providing other matters related thereto.

BILL NO. 101

ORDINANCE NO. 18-290

AN ORDINANCE CONCERNING STOREY COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01 (TAHOE-RENO INDUSTRIAL CENTER) AND ASSESSING THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE PROPERTY BENEFITED BY THE LOCAL IMPROVEMENTS.

WHEREAS, pursuant to NRS 271.325 an accurate estimate of cost, full and detailed plans and specifications, an assessment plat and other materials related to a water project (collectively, the "Project") to be acquired pursuant to NRS chapter 271 (the "Act") have been prepared and presented to the Board of County Commissioners (the "Board") of Storey County, Nevada (the "County"); and

WHEREAS, the Board hereby deems it necessary to create Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (the "District") for the purpose of acquiring and improving the Project, and for the purpose of financing the entire cost and expense of the Project by special assessments according to benefits levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, pursuant to the County's Developer Special Assessment District Guidelines, there has previously been presented to the Board a written petition in the form of an Economic Development Financing Proposal from Eagle Valley Acquisition LLC, TRIC Acquisition LLC, Silver Slate LLC, Comstock TRIC Associates LLC, Supernap Reno LLC, Tahoe-Reno Industrial Center LLC, Tesla Motors Inc., 1200 USA Parkway, Emerald City Empire LLC, (collectively, the "Owners"), requesting the County to initiate the acquisition and improvement of the Project, to issue bonds and to levy assessments pursuant to the Act, including, specifically, NRS 271.710 and 271.720; and

WHEREAS, the County and the Owners have entered into a District Financing Agreement (the "Financing Agreement"), for the acquisition and improvement of the Project which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Owners are the owners of 100% of the assessable property comprising the District; and

WHEREAS, the District has been created by an ordinance designated as the "District No. 01 Creation Ordinance" previously approved by the Board under the provisions of the Act; and

WHEREAS, pursuant to the District No. 01 Creation Ordinance, the Board has determined that the entire cost and expense to the County of the acquisition and improvement of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District (except for an amount of \$157,421.29 to be paid in cash in lieu of an assessment) ; and

WHEREAS, such cost and expense of the Project includes the costs and expenses of the County to be incurred in connection with the issuance of bonds by the County (the "Bonds") to finance the cost of the acquisition and improvement of the Project and the amount of reserve and other funds for the Bonds; and

WHEREAS, pursuant to the District No. 01 Creation Ordinance, the Board has determined and does hereby declare that the net cost to the County of the Project is \$35,000,000, of which \$157,421.29 is available from other sources and \$34,842,578.71 is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board, by resolution duly adopted, directed the County Engineer and Farr West Engineering (collectively, the "Engineer"), to make out a preliminary assessment roll; and

WHEREAS, after determination of the cost and expense of the acquisition and improvement of the Project to be paid by the property specially benefited, the Board, together with the Engineer, made out an assessment roll containing, among other things, the name and address of the last-known owner of the property to be assessed, a description of each lot, tract and parcel of land to be assessed, and the amount of the assessment thereon and has heretofore filed the assessment roll with the County Clerk; and

WHEREAS, pursuant to the Engineer's Report for the District prepared by the Engineer and heretofore placed on file with the County Clerk (the "Engineer's Report"), together with certain recitations of the Owners contained within the Financing Agreement and the appraisal from Mark E. Stafford, Certified General Appraiser, the Board has determined that the

assessments do not exceed the benefits to the property assessed nor the total cost and expense of the acquisition and improvement of the Project payable from assessments and do not exceed the reasonable market value of the lots, tracts and parcels of land to be assessed; and

WHEREAS, it is incumbent upon the Board to provide when said assessments shall become due and the penalties payable after any delinquency.

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

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 01 Assessment Ordinance" (this "Ordinance").

Section 2. All actions, proceedings and matters previously taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the acquisition and improvement of the Project, the levy of assessments for those purposes, and the validation and confirmation of the assessment roll and the assessments therein, are ratified, approved and confirmed.

Section 3. For the purpose of paying the cost and expense of acquisition and improvement of the Project by the County, there are hereby levied and assessed against the lots, tracts and parcels of land in the District specially benefited by the Project and described in the assessment roll for the District in the form on file in the office of the County Clerk on the date of adoption of this Ordinance, the amounts and assessments shown in the assessment roll (as so filed). Pursuant to the Engineer's Report, together with certain recitations of the Owners contained within the Financing Agreement, the Board hereby finds and determines that such assessments do not exceed the benefits to the property assessed nor the total cost and expense of the acquisition and improvement of the Project payable from assessments as previously determined and do not exceed the reasonable market value of the lots, tracts and parcels of land to be assessed.

Section 4. Pursuant to the Financing Agreement, the Owners have elected to pay the assessments in installments, with interest as hereinafter provided, and the Board hereby authorizes such manner of payment. The unpaid assessments shall be payable at the office of the County Treasurer on March 1 and September 1 of each year, commencing on March 1, 2019, in fifty (50)] semi-annual substantially equal installments of principal and interest until paid in full,

with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance at a rate or rates, which shall not exceed by more than one percent (1%) the highest rate of interest on the Bonds issued for the District. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the County Manager or the Chief Financial Officer of the County shall fix the rate of interest on the unpaid and deferred installments of assessments. The effective interest rate on the Bonds will not exceed the statutory maximum rate (i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" that is most recently published in The Bond Buyer before a negotiated offer for the sale of the Bonds is accepted).

The installments of the assessments shall be payable at the office of the County Treasurer. Pursuant to NRS 271.415(5), the County Treasurer shall notify the owners of real property within the District of the amounts becoming due and each such owner shall be deemed notified and shall be responsible for any penalties or delinquencies regardless of such owner's failure to maintain an accurate mailing address with the County Assessor. Such notice shall state that the assessment installment is payable not later than the March 1 or September 1 next succeeding such notice. Failure to pay any installment, whether of principal or interest, when due shall cause the whole amount of the unpaid principal of such assessment to become due and payable immediately at the option of the County, the exercise of said option shall be indicated by the commencement of sale proceedings by the County. The whole amount of the unpaid principal and the interest that has accrued thereon shall after such delinquency, whether or not the option to accelerate the due date for the payment of the unpaid principal is exercised, bear a penalty at the rate of 2% (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the County Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of the foreclosure sale or until the whole amount of the unpaid principal plus accrued interest and penalties is paid; provided, however, that at any time prior to the day of such sale, the owner of any such lot or parcel may pay the aggregate amount of all of the delinquent installments originally becoming due on or before the date of said payment, with accrued interest thereon and all penalties and costs of collection accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if a default had not been suffered.

The owner of any property assessed and not in default as to any assessment installment or payment may, at any time (at the option of such owner), pay the whole or any portion of the unpaid principal with interest accruing thereon to the next assessment payment date, together with a prepayment premium equal to 3.00% of the principal amount so prepaid. If the Bonds may then be redeemed without the payment of any premium or with a premium of less than three percent (3%), the County, in its sole discretion, may waive the requirement of payment of the redemption premium; provided that the County shall collect a premium upon the prepayment of an assessment which is not less than the premium which is then due for redemption of the Bonds. No waiver for or modification of a particular prepayment premium shall be deemed to be a waiver for or modification of any other prepayment premium unless the County expressly waives or modifies the prepayment penalty for all assessments. After any partial prepayment of an assessment or refunding of the Bonds pursuant to NRS 271.488, the County Treasurer shall reamortize the assessment installments due on the parcel on which the partial prepayment was made or, in the case of a refunding, on all parcels, so that the remaining installments are semiannual substantially level installments of principal and interest with a final due date of September 1, 2043.

Assessment installments or assessment prepayments shall be reduced by the amount of any credits available for such installments or prepayments as provided in the Financing Agreement. This Section does not prevent the County from amending this Ordinance, the Financing Agreement or any other documents executed in connection with the Bonds to provide for other uses of the interest earned on Bond proceeds, any excess Bond proceeds or the reserve fund established for the Bonds (the "Reserve Fund") in connection with a refunding of the Bonds; and the owners of the property assessed in the District have no entitlement to payment of any amounts in the interest earned on Bond proceeds, any excess Bond proceeds or the Reserve Fund in the event of such an amendment.

Section 5. The amounts assessed as aforesaid shall be a lien upon said lots, tracts and parcels of land from the effective date of this Ordinance until paid, coequal with the latest lien thereon to secure the payment of general (ad valorem) taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general (ad valorem) taxes).

The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 6. (a) Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, the Board may require the County Treasurer to apportion the uncollected amounts upon the several parts of land so divided on a net assessable area basis; provided that the applicant, at the time of such apportionment, may request that the uncollected amounts be apportioned on a net area basis. The County may consider such request and, in its sole discretion, apportion the uncollected assessments accordingly. For purposes of such apportionment, the term "net assessable area" shall exclude (i) areas excluded from the definition of "assessable property" pursuant to NRS 271.040, (ii) areas designated on the assessment plat as being areas of non-assessment, and (iii) private streets, properties which are conveyed with restrictions limiting the uses of such properties to common areas, parks, landscaped areas and other permanent open space. In the event that any conflict exists between the provisions of the assessment plat and this Ordinance, the terms of this Ordinance shall control. The area of lands not included in the net assessable area may be estimated by the County in the case of any apportionment for which final legal descriptions of the excluded area are not yet available and any such estimate shall be final and conclusive absent fraud.

(b) The County may also reapportion assessments on tracts with the consent of property owners whose assessment will be increased thereby pursuant to NRS 271.425(3) or NRS 271.710(2) if the Board finds that the proposed action will not:

(i) materially or adversely impair the obligation of the County with respect to the Bonds; or

(ii) increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment.

(c) The report of such an apportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the

County Recorder, together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer. Neither the failure to record the report nor any defect in the report as recorded shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the County Treasurer promptly (but in no event later than 60 days after the installment due date) shall mark the assessment installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to the addressee's last-known address. Said assessment shall be enforced by the County Treasurer and other officers of the County, as provided in NRS 271.545 to 271.630, and the assessment roll and certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings. Unless otherwise directed by the Board, in the case of such a collection, the County Treasurer shall determine whether to cause the whole amount of the unpaid assessment with respect to such property to be immediately due and payable. If any such collection is not promptly enforced by the County, any bondholder may file and prosecute a foreclosure action in the name of the County. Any bondholder may also proceed against the County to protect and enforce the rights of the owners of the Bonds under this Ordinance and the Act by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in the Act or in an award of execution of any power herein granted for the enforcement of any proper legal or equitable remedy as such bondholder may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all owners of the Bonds then outstanding. The failure of the bondholders so to foreclose upon the property which is the subject of such delinquent assessments or so to proceed against the County, or both, shall not relieve the County or any of its officers, agents or employees of any duty so to take the actions hereinabove set forth.

Section 8. The County Clerk is hereby directed to deliver to the County Assessor, the County Recorder and the County Treasurer, a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner against whom the

assessment was made, together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer. Neither the failure to record the assessment roll as provided in this Section, nor any defect in the roll as recorded shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien. The County Treasurer is hereby directed to collect the amounts assessed as a tax upon the lots, tracts and parcels of land to which they were assessed.

Section 9. In accordance with NRS 271.390(2), the County Clerk shall give written notice of the levy of assessments by mailing a copy of such notice, postage prepaid, either before or promptly after the effective date of this Ordinance, to the owners of all property upon which the assessment was levied at their last-known addresses. Proof of such mailing shall be made by the affidavit of the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and all Bonds shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 10. The notice provided for in NRS 271.390(2) and in Section 9 of this Ordinance shall be in substantially the following form:

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN STOREY COUNTY, NEVADA, SPECIAL ASSESSMENT
DISTRICT NO. 01 (RENO-TAHOE INDUSTRIAL CENTER)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied that, by an ordinance duly passed, adopted, signed and approved on September 18, 2018 (the "Ordinance"), there were levied and assessed against the lots, tracts and parcels of land specially benefited by the local improvements in what is designated as the "Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center)" (said lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance), the costs and expenses of such improvements.

The assessments are payable at the times and in the amounts specified in the Ordinance. Failure to pay any installment, whether of principal or interest, when due shall cause the whole amount of the unpaid principal of such assessment to become due and payable immediately at the option of the County, the exercise of said option shall be indicated by the commencement of sale proceedings by the County. The whole amount of the unpaid principal and the interest that has accrued thereon shall after such delinquency, whether or not the option to accelerate the due date for the payment of the unpaid principal is exercised, bear a penalty at the rate of 2% (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the County Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of the sale, or until the whole amount of the unpaid principal plus accrued interest and penalties is paid; provided, however, that at any time, prior to the day of such sale, the owner of any such lot or parcel, may pay the aggregate amount of all of the delinquent installments originally becoming due on or before the date of said payment, with accrued interest thereon and all penalties and costs of collection accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from September 18, 2018, which lien shall be coequal with the latest lien thereon to secure the payment of general (ad valorem) taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general (ad valorem)

taxes). The sale of any such lot, tract or parcel of land for general (ad valorem) taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

DATED this September 18, 2018.

/s/ Vanessa Stephens
County Clerk

Amount of assessment \$ _____

Description of property assessed _____

(End of Form of Notice)

Section 11. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the issuance of the Bonds.

Section 12. All ordinances, bylaws, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, bylaw, resolution or order, or part thereof, previously repealed.

Section 13. In accordance with NRS 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such Ordinance by publication at least once in the Comstock Chronicle, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before September 18, 2018, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING STOREY COUNTY,
NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER) AND ASSESSING
THE COST OF LOCAL IMPROVEMENTS AGAINST THE
ASSESSABLE PROPERTY BENEFITED BY THE LOCAL
IMPROVEMENTS.**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for public examination at the office of the County Clerk of Storey County (the "County Clerk"), at her office located at 26 S. B St. Drawer D, Virginia City, Nevada.

The following is a brief summary of the provisions of the Ordinance: The Ordinance provides for special assessments to be levied within Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) (the "District") for the acquisition and improvement of a water project (the "Project"). The Ordinance sets forth the details of the assessments, including, but not limited to, the dates and amounts of principal of the assessments, as well as the manner of determining interest, prepayment premium, penalties and collection costs, where applicable. The Ordinance provides that amounts assessed shall be a lien upon said lots, tracts and parcels of land from the effective date of the Ordinance until paid, notwithstanding sale of any such lot, tract or parcel of land. The Ordinance provides for notification to and enforcement against owners of any such lot, tract or parcel of land delinquent in payment of assessments.

The Ordinance sets forth the form of written notice of the levy of assessments to be mailed by the County Clerk to the owners of all property upon which an assessment has been levied.

Such Ordinance was proposed on September 4, 2018 and will be considered for adoption at the regular meeting of the Board to be held on September 18, 2018. Prior to consideration of the Ordinance for final adoption, the Board will hold a public hearing on the proposed Ordinance at its regular meeting to be held on Tuesday, September 18, 2018 at 10:00 a.m. at the Storey County Commission Chambers, 26 South B Street, Virginia City, Nevada.

Copies of the Bill are on file in the office of the County Clerk, 26 S. B St. Drawer D, Virginia City, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing.

IN WITNESS WHEREOF, the Board of County Commissioners of Clark County, Nevada, has caused this notice to be published this September __, 2018.

(SEAL)

/s/ Vanessa Stephens
County Clerk

(End of Form for Publication)

Section 14. After this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the commissioners voting for or against its passage, and with a statement that typewritten copies of such Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Comstock Chronicle, a newspaper published and having general circulation in the County, at least once a week for a period of 2 weeks by 2 insertions, pursuant to NRS 244.100, and all laws thereunto enabling, such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____

ORDINANCE NO. _____
(of Storey County, Nevada)

**AN ORDINANCE CONCERNING STOREY COUNTY,
NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 01
(TAHOE-RENO INDUSTRIAL CENTER) AND ASSESSING
THE COST OF LOCAL IMPROVEMENTS AGAINST THE
ASSESSABLE PROPERTY BENEFITED BY THE LOCAL
IMPROVEMENTS.**

Public Notice is hereby given that copies of the above-numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk at _____, Virginia City, Nevada; and that such ordinance was proposed by Commissioner _____ on September 4, 2018, and was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting held on September 18, 2018, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Those Voting Nay:

Those Abstaining:

Those Absent:

This ordinance shall be in full force and effect from and after the ____ day of October, 2018, (i.e., the date of the second publication of such ordinance by its title only).

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

DATED this September 18, 2018.

/s/ Marshall McBride
Chairman
Board of County Commissioners
Storey County, Nevada

(SEAL)

Attest:

/s/ Vanessa Stephens
County Clerk

(End of Form of Publication)

Section 15. If any section, paragraph, clause or other 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 other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on September 4, 2018.

Proposed by Commissioner _____

Passed September 18, 2018.

Vote:

Aye:

Nays:

Absent:

Attest:

Chairman
Board of County Commissioners
Storey County, Nevada

County Clerk

This Ordinance shall be in force and effect from and after the ____ day of October, 2018, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
STOREY COUNTY)

I am the duly chosen, qualified and acting County Clerk of Storey County (the "County"), in the State of Nevada (the "State"), do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of an ordinance introduced at a regular meeting of the Board of County Commissioners (the "Board") held on September 4, 2018, and passed and adopted by the Board at a regular meeting of the Board held on September 18, 2018; such copy of such ordinance is a true, correct and compared copy of the original passed and adopted by the Board at the designated meeting and the original of such ordinance has been approved and authenticated by the signature of the Chairman of the Board and myself as Clerk, and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

2. The members of the Board were present at each meeting and voted on the passage of such ordinance as provided therein.

3. All members of the Board were given due and proper notice of each meeting.

4. Public notice of each meeting attached as Exhibit A and Exhibit B was given and each such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of each such meeting and excerpt from the agenda for the meeting relating to the ordinance, as posted at least 3 working days in advance of the meeting at the Board's office, the County's website, the State's website, and three other locations, i.e., 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

5. At least three working days before such meeting, such notice was given to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in accordance with the provisions of Chapter 241 of NRS.

6. Affidavits of publication of the notice of filing of the Ordinance and the notice of adoption of the Ordinance are attached hereto as Exhibit C.

IN WITNESS WHEREOF, I have hereunto set my hand on September 18, 2018.

County Clerk

EXHIBIT A

(Attach Copy of Notice of September 4, 2018 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 18, 2018 Meeting)

EXHIBIT C

(Attach Affidavits of Publication of Ordinance)



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 09/18/18

Estimate of time required: 15 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/No Possible Action:** Carson Water Subconservancy District (CWSD) Director Ed James to provide input and receive comments from the Board of Storey County Commissioners regarding CWSD submitting an amicus brief opposing the use of the public trust doctrine to be applied to water rights already adjudicated and settled under the doctrine of prior appropriation.
2. **Recommended motion:** No action.
3. **Prepared by:** Austin Osborne and CWSD Director Ed James
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** Enclosure A: Staff Summary
6. **Supporting materials:** Enclosure A: Staff Summary
7. **Fiscal impact:** None on local government.
Funds Available: _____ Fund: _____ Comptroller
8. **Legal review required:** _____ District Attorney
9. **Reviewed by:**

Department Head Department Name: Planning

County Manager Other agency review: _____
10. **Board action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Agenda Item No.

Enclosure A: Staff Summary

Carson Water Subconservancy District (CWSD) received a letter from Gordon DePaoli with Woodburn/Wedge asking if CWSD would be willing to submit an amicus brief opposing the use of the public trust doctrine to be applied to water rights already adjudicated and settled under the doctrine of prior appropriation. Mineral County and the Walker Lake Working Group have filed a lawsuit to intervene in the Walker River Decree to recognize a minimum flow of 127,000 acre/feet per year into Walker Lake using the public trust doctrine. Mineral County is claiming that because Walker Lake is held in trust by the State of Nevada pursuant to Nevada's public trust doctrine, the Decree should be amended to adjust the priority of appropriation in the Walker River Basin to aid Walker Lake. Mineral County is asking that the court modify the Decree by: (1) recognizing the rights of Mineral County to have minimum levels in Walker Lake; (2) ordering the State of Nevada to grant a certificate to Mineral County for the benefit of Walker Lake; and (3) recognizing that minimum flows are necessary to maintain Walker Lake as a "beneficial use and in the public interest and required under the doctrine of maintenance of the public trust."

This court case is currently being heard in the United State Courts of Appeals for the Ninth Circuit.

Recently, the Ninth Circuit Court of Appeals has requested the Supreme Court of Nevada to answer the following questions:

1. Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?
2. If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

At the August 15, 2018 CWSD Board meeting, the Board of Directors voted to authorize legal counsel to prepare an amicus brief opposing the use of the public trust doctrine to be applied to water rights already adjudicated and settled under the doctrine of prior appropriation. CWSD Directors also requested that legal counsel develop an estimate on what it will cost to prepare the amicus brief and for staff to contact each county in the watershed to discuss this issue and bring back any comments they may have regarding this topic.

Edwin James, General Manager with CWSD, will provide an overview of the public trust doctrine, the questions being asked of the Supreme Court of Nevada, and the possible concerns if the public trust doctrine is applied to the other watersheds in Nevada.

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MINERAL COUNTY,
*Intervenor-Plaintiff-
Appellant,*

WALKER LAKE WORKING
GROUP,
Defendant-Appellant,

and

UNITED STATES OF AMERICA,
Plaintiff,

WALKER RIVER PAIUTE
TRIBE,
Intervenor-Plaintiff,

v.

WALKER RIVER IRRIGATION
DISTRICT; NEVADA
DEPARTMENT OF WILDLIFE;
FENILI FAMILY TRUST, c/o
Peter Fenili and Veronica
Fenili, Trustees; SIX N
RANCH, INC., c/o Richard and
Cynthia Nuti; MICHAEL NUTI;
NANCY NUTI; RALPH E. NUTI;
MARY E. NUTI; LAWRENCE

No. 15-16342

D.C. No.
3:73-cv-00128-RCJ-
WGC

ORDER AND
AMENDED ORDER
CERTIFYING
QUESTIONS TO THE
SUPREME COURT OF
NEVADA

2 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

M. NUTI; LESLIE NUTI; MICA FARMS, LLC, c/o Mike Faretto; JOHN AND LURA WEAVER FAMILY TRUST, c/o Lura Weaver, Trustee; SMITH VALLEY GARAGE, INC., c/o Dan Smith and Shawna Smith; DONALD GIORGI; LORIE MCMAHON; MERLE MCMAHON; CENTENNIAL LIVESTOCK; LYON COUNTY; ANNETT'S MONO VILLAGE; F.I.M. CORPORATION; R.N. FULSTONE COMPANY; JAMES T. FOUSEKIS, Trustee; CHRIS H. GANSBERG, JR.; FAYE E. GANSBERG; TODD GANSBERG; HUNEWILL LAND & LIVESTOCK Co., INC.; DAVID SCEIRINE; PAMELA HAAS; VIRGINIA LAKE MUTUAL WATER COMPANY; MONO COUNTY, County Counsel,

Defendants-Appellees.

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 3

Filed May 22, 2018
Amended August 20, 2018

Before: A. Wallace Tashima, Raymond C. Fisher
and Jay S. Bybee, Circuit Judges.

Order;
Amended Order

SUMMARY*

Water Rights

The panel amended the certification order, filed on May 22, 2018, in an appeal raising issues pertaining to Nevada state water law. The panel certified to the Supreme Court of Nevada the following questions:

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a “taking” under the Nevada

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

4 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

Constitution requiring payment of just
compensation?

ORDER

The certification order filed May 22, 2018, and reported at 890 F.3d 1174, is amended. An amended certification order is filed concurrently with this order.

AMENDED ORDER¹

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we respectfully certify to the Supreme Court of Nevada the questions of law set forth in Section III of this order. The answers to the certified questions may determine issues pending before this court and their resolution will have significant implications for Nevada state water law. There is no clearly controlling precedent in the decisions of the Nevada Supreme Court.

We hold Mineral County's public trust claim for the reallocation of the waters of Walker River and the Takings Clause claim in abeyance pending the result of certification.

¹ This amended Order supersedes the published Order filed May 22, 2018.

I. Background

The circumstances here are virtually identical to those that led to the Nevada Supreme Court's decision in *Mineral County v. Nevada Department of Conservation & Natural Resources*, 20 P.3d 800, 802–05 (Nev. 2001), in which Mineral County and the Walker Lake Working Group (the "Working Group") brought essentially the same suit as this one. In *Mineral County*, the Nevada Supreme Court ultimately declined to exercise jurisdiction in light of the federal district court's continuing and exclusive jurisdiction over the Walker River Basin litigation. *See id.* at 807. We reproduce the relevant background here in brief.

A. The Walker River Basin and Walker Lake's Decline

The Walker River Basin covers about 4000 square miles, running northeast from its origins in the Sierra Nevada Mountains in California before turning south and ultimately flowing into Walker Lake in Nevada. The first quarter of the basin lies in California, and California accounts for a majority of the precipitation and surface water flow into the basin. The vast majority of the water is consumed across the border in Nevada.

Walker Lake is about 13 miles long, five miles wide and 90 feet deep – a large lake by most any measure. But its size and volume have shrunk significantly since they were first measured in 1882. By 1996, Walker Lake had retained just 50 percent of its 1882 surface area and 28 percent of its 1882 volume. Today's Walker Lake also suffers from high concentrations of total dissolved solids ("TDS") – meaning it has a high salt content, low oxygen content and a high temperature.

6 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

These conditions have drastically degraded the lake's environmental and economic well-being. The high TDS concentrations have proven so inhospitable to fish species that, according to Mineral County, much of the lake's fishing industry "has been eliminated for the time being." Walker Lake's decline also threatens its status as an important shelter for migratory birds, and it has "drive[n] away the many Nevadans and other Americans who used Walker Lake for recreational enjoyment and economically productive activities." Although the parties dispute the cause of Walker Lake's troubles, it seems clear that upstream appropriations play at least some part, together with declining precipitation levels and natural lake recession over time.

B. Litigation Over Water Rights in the Basin

In an effort to protect and rehabilitate Walker Lake, Mineral County intervened in the long-running litigation over water rights in the Walker River Basin. That litigation began in 1902, when one cattle and land company sued another in the United States District Court for the District of Nevada over appropriations from the Walker River. After considerable back and forth in state and federal court – including a Supreme Court decision holding that the Nevada federal court had prior, exclusive jurisdiction over the action, *see Rickey Land & Cattle Co. v. Miller & Lux*, 218 U.S. 258, 262 (1910) – the case ended in 1919.

Five years later, the United States brought a new action in Nevada federal court, seeking to establish the water rights of the Walker Lake Paiute Tribe. After 12 more years of litigation – bringing us to 1936 – that proceeding resulted in the Walker River Decree. The Walker River Decree adjudicated the water rights of hundreds of claimants under

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 7

the doctrine of prior appropriation.² The Decree also created the Walker River Commission and the United States Board of Water Commissioners. The federal district court in Nevada has maintained jurisdiction over the Decree and its administration ever since.

In 1987, the Paiute Tribe intervened in the Walker River litigation to establish procedures for reallocating water rights under the Decree. Since that proceeding's conclusion in 1988, the Nevada State Engineer reviews all applications to change allocations under the Decree in Nevada, subject to review by the Nevada federal district court. It appears that Nevada's prior appropriation law, which has largely been codified, governs the Engineer's decisions and the district court's review. *See, e.g., Nev. Rev. Stat. § 533.370; see also* Greg Walch, *Water Law: Treading Water Law — A Nevada Water Rights Primer*, 6 Nev. Law. 18, 18 (Nov. 1998) (discussing the history of prior appropriation and its codification in Nevada). Next, in 1991, the Paiute Tribe and the United States sought recognition of the Tribe's right to a certain additional amount of water from the Walker River, under a principle that Native American tribes have superior water rights based on their relationship to the federal government. That case is pending before this panel. *See United States v. Walker River Irrigation Dist.*, No. 15-16478.

² Under the doctrine of prior appropriation, "[t]he first appropriator of the water of a stream passing through the public lands . . . has the right to insist that the water shall be subject to his use and enjoyment to the extent of his original appropriation, and that its quality shall not be impaired so as to defeat the purpose of its appropriation." *Lobdell v. Simpson*, 2 Nev. 274, 277–78 (1866) (quoting *Butte Canal & Ditch Co. v. Vaughn*, 11 Cal. 143, 153–54 (1858)).

8 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

C. Mineral County's Intervention

In 1994, Mineral County moved to intervene in the Decree litigation. The district court granted the motion in 2013. The amended complaint in intervention alleges that “[a]ctivities and businesses attributable to the presence and use of Walker Lake represent[] approximately 50% of the economy of Mineral County.” The complaint asks the Decree court, “pursuant to its continuing jurisdiction under . . . the . . . Decree, [to] reopen and modify the final Decree to recognize the rights of Mineral County . . . and the public to have minimum levels [of water] to maintain the viability of Walker Lake.” Mineral County seeks recognition “that a minimum of 127,000 acre/feet [of water] per year to Walker Lake is . . . required under the doctrine of maintenance of the public trust.”³

The Working Group – already a party to this litigation as a right-holder under the Decree – supports Mineral County’s position. Because of the posture of this case, the Working Group is considered a defendant as to Mineral County’s intervention. But the Working Group “always has supported efforts to transfer water rights for use in Walker Lake . . . and has supported the enforcement of the public trust doctrine for this same purpose.”

³ Under the public trust doctrine, states hold navigable waterways within their borders in trust for the good of the public. *See Lawrence v. Clark County*, 254 P.3d 606, 607 (Nev. 2011); *see also Mineral County*, 20 P.3d at 807 (Rose, J., concurring) (“In its most fundamental terms, the public trust doctrine provides that . . . all of a state’s navigable waterways are held in trust by the state for the benefit of the people and that a state official’s control of those waters is forever subject to that trust.”).

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 9

In 2015, the district court dismissed the amended complaint in intervention. First, the district court held Mineral County lacked standing to assert its public trust claim. It concluded Mineral County's claim "was based purely on a *parens patriae* theory" of standing – i.e., that Mineral County did not assert any of its own interests, only those of its citizens – and that a county lacks the ability to sue as *parens patriae*.

Notwithstanding its conclusion on standing, the district court also addressed the merits of Mineral County's public trust claim. It concluded the public trust doctrine may factor into *future* allocations of water, but that using the doctrine to reallocate rights already adjudicated under the Decree would constitute a taking and require just compensation. Invoking the political question doctrine, the court concluded it lacked authority to order Nevada to effectuate such a taking. The district court also held, without analysis, that Walker Lake is not part of the Walker River Basin under the Decree, and therefore that the Decree prohibits allocating any water specifically to the lake.

Mineral County timely appealed. We have concluded the district court erred in dismissing the amended complaint in intervention for lack of standing.⁴ The remaining issue – whether the Walker River Decree can be amended to allow for certain minimum flows of water to reach Walker Lake – depends on whether the public trust doctrine applies to rights previously adjudicated and settled under the doctrine of prior

⁴ In a concurrently filed memorandum disposition, we hold Mineral County has standing to assert its public trust claim. Furthermore, we have concurrently decided that Walker Lake is within the Walker River Basin. See *United States v. U.S. Bd. of Water Comm'rs*, No. 15-16316.

10 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

appropriation and permits alteration of prior allocations.⁵ This is an important question of Nevada water law we believe should be decided by the Nevada Supreme Court.

II. Discussion

The Nevada Supreme Court expressly recognized the public trust doctrine under Nevada law in *Lawrence v. Clark County*, 254 P.3d 606 (Nev. 2011). *Lawrence* involved an attempt by the Nevada legislature to transfer state-owned land to Clark County. *See id.* at 608. Because the land may have been a navigable waterway when Nevada joined the United States, the Nevada State Land Registrar refused to transfer title, citing the public trust's prohibition on alienating land held in trust for the public. *See id.* The Nevada Supreme Court remanded after setting out a three-part test for assessing whether the public trust doctrine permits alienation of state land. *See id.* at 616–17.⁶

Lawrence, although formally recognizing the doctrine for the first time, traced public trust principles in Nevada law back to the state's founding, concluding the doctrine was “based on a policy reflected in the Nevada Constitution, Nevada statutes, and the inherent limitations on the state's sovereign power.” *Id.* at 613. The court also noted it had applied public trust principles in several of its earlier

⁵ We hold the subsequent takings claim in abeyance pending the result of certification.

⁶ This test appears to be of limited relevance here because it addresses alienation of trust lands. The issues here involve the scope of the public trust doctrine and its relationship to the doctrine of prior appropriation and Nevada's statutory water law.

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 11

decisions. One of those decisions, *Mineral County v. Nevada Department of Conservation & Natural Resources*, appears to be particularly relevant here.

Mineral County involved the very case now under consideration, filed by Mineral County and the Working Group directly in the Nevada Supreme Court while the county's motion to intervene in this case was pending. Although the Nevada Supreme Court dismissed the action based on the federal court's prior exclusive jurisdiction, two aspects of *Mineral County* are relevant here. First, the Nevada Supreme Court effectively invited the federal court to certify the public trust question at issue here. *See Mineral County*, 20 P.3d at 807 n.35 ("[Mineral County and the Working Group] argue that if their motion to intervene in the federal court is eventually granted, they will seek to have this court decide the scope of the public trust doctrine pursuant to the federal abstention doctrine. If the federal court reviews this question, it can certify a question regarding the public trust doctrine pursuant to NRAP 5; therefore, the issue need not necessarily be addressed via the extraordinary remedy of a writ.").

Second, in *Mineral County*, Justice Rose (joined by Justice Shearing) wrote a concurrence addressing in broad strokes the public trust doctrine's application in this case. Justice Rose opined:

Although the original objectives of the public trust were to protect the public's rights in navigation, commerce, and fishing, the trust has evolved to encompass additional public values – including recreational and ecological uses. Additionally, although the original

12 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

scope of the public trust reached only navigable water, the trust has evolved to encompass non-navigable tributaries that feed navigable bodies of water. This extension of the doctrine is natural and necessary where, as here, the navigable water's existence is wholly dependent on tributaries that appear to be over-appropriated.

. . . [T]he existence of the public trust doctrine in Nevada appears to be beyond debate. . . . This court has itself recognized that . . . public ownership of water is the most fundamental tenet of Nevada water law. Additionally, we have noted that those holding vested water rights do not own or acquire title to water, but merely enjoy a right to the beneficial use of the water. This right, however, is forever subject to the public trust, which at all times forms the outer boundaries of permissible government action with respect to public trust resources. In this manner, then, the public trust doctrine operates simultaneously with the system of prior appropriation.

If the current law governing the water engineer does not clearly direct the engineer to continuously consider in the course of his work the public's interest in Nevada's natural water resources, then the law is deficient. It is then appropriate, if not our constitutional

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 13

duty, to expressly reaffirm the engineer's continuing responsibility as a public trustee to allocate and supervise water rights so that the appropriations do not substantially impair the public interest in the lands and waters remaining.

Id. at 807–09 (footnotes and internal quotation marks omitted). No Nevada Supreme Court decision has formally adopted Justice Rose's concurrence, but *Lawrence* discussed it as persuasive authority in the development of Nevada's public trust law. *See* 254 P.3d at 610–11.

In light of *Lawrence*, all parties agree the public trust doctrine exists in Nevada. They disagree, however, over the doctrine's scope and whether it permits reallocation of rights settled under the separate doctrine of prior appropriation by the Walker River Decree. No controlling Nevada precedent reconciles these doctrines, and the parties advance conflicting proposals.

Mineral County, for example, contends the public trust doctrine requires the State Engineer to reconsider previous allocations and, in doing so, to reserve a specified minimum flow for Walker Lake regardless of any other rights or considerations. Although Mineral County points to a number of general principles suggesting the public trust doctrine applies to Walker Lake in *some* form, it has not presented authority for a version of the doctrine that holds absolute supremacy over the competing doctrine of prior appropriation.

The Lyon County appellees sit at the opposite end of the spectrum. They contend, essentially, that once water rights

14 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

have been adjudicated and settled by decree, they are vested and no longer within the purview of the public trust doctrine. Lyon County is correct that Nevada considers water rights settled by decree “vested.” *See* Nev. Rev. Stat. § 533.090 *et seq.* (entitled “Adjudication of Vested Water Rights”). Nevada law refers to water rights settled by decree as “final” and “conclusive,” *id.* § 533.210, and the Nevada State Engineer – charged with administering Nevada’s statutory water law – may neither “carry out his or her duties . . . in a manner that conflicts with any . . . decree or order issued by a state or federal court,” *id.* § 533.0245, nor authorize any change in water use that “is inconsistent with any applicable federal or state decree,” *id.* § 533.3703. There is, moreover, significant authority stressing the importance of finality in the adjudication of water rights. *See, e.g., Arizona v. California*, 460 U.S. 605, 620 (1983) (“Certainty of rights is particularly important with respect to water rights in the Western United States. . . . The doctrine of prior appropriation . . . is itself largely a product of the compelling need for certainty in the holding and use of water rights.”).

Lyon County’s position nonetheless appears to suffer from the same shortcoming as that of Mineral County. It does not explain why the public trust doctrine must completely yield to the doctrine of prior appropriation (or, more precisely, to the decrees resulting from adjudications under the prior appropriation doctrine and Nevada’s statutory water law). The principles of finality on which Lyon County rests are encapsulated in Nevada’s statutes and endorsed by the Supreme Court, but it is not clear they would compel Nevada to conclude that rights already adjudicated are exempt from the public trust.

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 15

There is significant authority suggesting rights already adjudicated may not be always and forever exempt from the public trust. For example, the Nevada Supreme Court has held:

the most fundamental tenet of Nevada water law [is that] “the water of all sources of water supply within the boundaries of the state whether above or beneath the surface of the ground, *belongs to the public.*” Indeed, even those holding certificated, vested, or perfected water rights do not own or acquire title to water.

Desert Irrigation, Ltd. v. Nevada, 944 P.2d 835, 842 (Nev. 1997) (alteration omitted) (quoting Nev. Rev. Stat. § 533.025). Based on this statement, Justice Rose concluded in *Mineral County* that even “those holding vested water rights” hold “[t]his right . . . forever subject to the public trust.” 20 P.3d at 808. Quoting Justice Rose, *Lawrence* said the same thing in its exposition of the public trust doctrine (albeit without holding that vested water rights are subject to the public trust). *See* 254 P.3d at 611; *see also Mineral County*, 20 P.3d at 808–09 (Rose, J., concurring) (opining that “the public trust doctrine operates simultaneously with the system of prior appropriation” and urging the Nevada Supreme Court “to expressly reaffirm the [Nevada State] [E]ngineer’s continuing responsibility as a public trustee to allocate and supervise water rights [pursuant to the public trust doctrine]”). Thus, Nevada might not altogether exempt vested, adjudicated rights from the public trust doctrine.

Under Justice Rose’s view, that water rights have been settled by adjudication and decree may be relevant to

16 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

balancing the public trust doctrine against competing principles of Nevada water law. But it does not necessarily mean the public trust – itself a fundamental principle of law – cannot disturb them.

Faced with a similar question in *National Audubon Society v. Superior Court*, 658 P.2d 709 (Cal. 1983), the California Supreme Court outlined the competing values underlying the public trust doctrine and doctrine of prior appropriation and, rather than deeming one doctrine supreme, balanced them:

This case brings together for the first time two systems of legal thought: the appropriative water rights system which since the days of the gold rush has dominated California water law, and the public trust doctrine which, after evolving as a shield for the protection of tidelands, now extends its protective scope to navigable lakes. Ever since we first recognized that the public trust protects environmental and recreational values, the two systems of legal thought have been on a collision course. They meet in a unique and dramatic setting which highlights the clash of values. Mono Lake is a scenic and ecological treasure of national significance, imperiled by continued diversions of water; yet, the need of Los Angeles for water is apparent, its reliance on rights granted by the board evident, the cost of curtailing diversions substantial.

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 17

. . . The prosperity and habitability of much of this state requires the diversion of great quantities of water from its streams for purposes unconnected to any navigation, commerce, fishing, recreation, or ecological use relating to the source stream. The state must have the power to grant nonvested usufructuary rights to appropriate water even if diversions harm public trust uses. Approval of such diversion without considering public trust values, however, may result in needless destruction of those values.

Id. at 712 (citations omitted). This approach appears similar to the one Justice Rose described – albeit in only general terms – in his *Mineral County* concurrence. An approach along these lines would permit, but not require, reallocation of water rights that were previously settled. *See Mineral County*, 20 P.3d at 808–09 (Rose, J., concurring) (the two systems operate simultaneously, and the State Engineer must at least “consider” the public trust in making allocation decisions).⁷

⁷ Lyon County and the Nevada Department of Wildlife (NDOW) also suggest Nevada law already incorporates the public trust doctrine by requiring that appropriated water be put to a “beneficial use.” The Nevada Supreme Court has not yet considered this question. As in *National Audubon*, “no responsible body has ever” expressly considered the public trust in making allocation decisions. *Nat’l Audubon*, 658 P.2d at 728; *see also Mineral County*, 20 P.3d at 808 (Rose, J., concurring) (“If the current law governing the water engineer does not clearly direct the engineer to continuously consider . . . the public’s interest in Nevada’s natural water resources, then the law is deficient.”).

18 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

We conclude that whether, and to what extent, the public trust doctrine applies to appropriative rights settled under the Walker River Decree is an open question. Because this question has significant implications for Nevada's water laws and because we cannot be certain how the Nevada Supreme Court would resolve this matter, certification on this question of law is appropriate.

III. Questions Certified to the Nevada Supreme Court

The questions of law we certify are:

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

IV. Conclusion

Mineral County's appeal presents open and important questions under Nevada law that may be determinative of issues essential to the resolution of the claims raised in the present case. We therefore respectfully request that the Supreme Court of Nevada accept and decide the questions certified. "We recognize that the [Nevada Supreme] Court may, in its discretion, reword the certified question[s]."

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 19

Progressive Gulf Ins. Co. v. Faehnrich, 627 F.3d 1137, 1140 (9th Cir. 2010). We further agree to abide by the decision of the Nevada Supreme Court as specified in Rule 5 of the Nevada Rules of Appellate Procedure, which states “[t]he written opinion of the Supreme Court stating the law governing the questions certified . . . shall be res judicata as to the parties.” Nev. R. App. P. 5(g).

In light of our decision to certify the issues set forth above, the submission of this appeal for decision is withdrawn, and all further proceedings in this case before our court are stayed pending final action by the Supreme Court of Nevada, save for any petition for rehearing regarding this order or the concurrently filed memorandum disposition. The Clerk is directed to administratively close this docket, pending further order. The Clerk of this court shall forward a copy of this order, under official seal, to the Supreme Court of Nevada, along with copies of all briefs and excerpts of record that have been filed with this court. The parties shall notify the Clerk of this court within 14 days of any decision by the Nevada Supreme Court to accept or decline certification. If the Nevada Supreme Court accepts certification, the parties shall then notify the Clerk of this court within 14 days of the issuance of the Nevada Supreme Court’s opinion.

Supplemental Material

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we include here the designation of the parties who would be the appellants and respondents in the Nevada Supreme Court, as well as the names and addresses of counsel.

20 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

Appellants:

Mineral County, Nevada and Walker Lake Working Group

Sean A. Rowe
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

Simeon M. Herskovits
Advocates for Community & Environment
P.O. Box 1075
El Prado, NM 87529-1075

Attorneys for Mineral County, Nevada and Walker Lake
Working Group

Respondents:

Lyon County, Nevada et al. (Centennial Livestock,
Bridgeport Ranchers and the Schroeder Group)

Stephen B. Rye, District Attorney
Lyon County
31 S. Main Street
Yerington, NV 89447
Attorney for Lyon County

Jerry M. Snyder
429 West Plumb
Reno, NV 89509
Attorney for Lyon County

MINERAL CTY. V. WALKER RIVER IRRIGATION DIST. 21

Roderick E. Walston
Steven G. Martin
Best Best & Krieger LLP
2201 N. Main Street, Suite 390
Walnut Creek, CA 94596
Attorneys for Centennial Livestock

Therese A. Ure
Schroeder Law Offices, P.C.
440 Marsh Avenue
Reno, NV 89509
Attorney for the Schroeder Group

Walker River Irrigation District

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Walker River Irrigation District

Nevada Department of Wildlife

Adam Paul Laxalt, Attorney General
Bryan L. Stockton, Senior Deputy Attorney General
100 North Carson Street
Carson City, NV 89701-4717
Attorneys for Nevada Department of Wildlife

22 MINERAL CTY. V. WALKER RIVER IRRIGATION DIST.

County of Mono, California

Stacey Simon, Acting County Counsel
Stephen M. Kerins, Deputy County Counsel
Office of the County Counsel
County of Mono
P.O. Box 2415
Mammoth Lakes, CA 93546
Attorneys for County of Mono, California

**QUESTIONS CERTIFIED; PROCEEDINGS
STAYED.**

Jay S. Bybee
United States Circuit Judge, Presiding



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 10 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/No Possible Action:** A presentation of a Flood Insurance Assessment for Storey County. The base information has been provided by FEMA to give an overview of the flood insurance coverage present in the County. This presentation is a part of the information prepared by Storey County for the Community Rating System (CRS) audit conducted by FEMA.
2. **Recommended motion:** No action.
3. **Prepared by:** Kathy Canfield
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** Flood Insurance Assessment
6. **Supporting materials:** insurance data sheets provided by FEMA
7. **Fiscal impact:** None on local government.
Funds Available: _____ Fund: _____ Comptroller
8. **Legal review required:** _____ District Attorney
9. **Reviewed by:**

Department Head Department Name: Planning

County Manager Other agency review: _____
10. **Board action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Agenda Item No.



STOREY COUNTY PLANNING DEPARTMENT

Storey County Courthouse
 26 South "B" Street
 P.O. Box 176 Virginia City, Nevada 89440
 Phone (775) 847-1144 Fax (775) 847-0949
planning@storeycounty.org

Flood Insurance Assessment

Step 1 – Collect Flood Insurance Information

In order to determine the level of flood insurance coverage in Storey County, the most recent Insurance Zone and Insurance Occupancy flood insurance policy data provided by FEMA was used. Copies of the original policy data is attached.

Step 2 – Determine Level of Flood Insurance Coverage

The current number of buildings within the FEMA mapped Special Flood Hazard Area (SFHA) is 378. Based on this information, approximately 52% of the buildings located in the SFHA (195 buildings) are covered by flood insurance. Storey County also has 19 additional buildings with flood insurance coverage that are not specifically located within the SFHA for a total of 214 buildings covered by flood insurance. Flood insurance coverage of properties in the SFHA by occupancy can be found in Table 1 and flood zone in Table 2.

Table 1 – Policies by Occupancy

	Policies in Force	Premium	Insurance in Force	Average Coverage
Single Family	214	\$105,154	\$41,101,900	\$192,065
2-4 Family	0	0	0	0
All Other Residential	0	0	0	0
Non-Residential	0	0	0	0
Total	214	\$105,154	\$41,101,900	\$192,065

Table 2 – Policies by Insurance Zone

	Policies in Force	Premium	Insurance in Force	Average Coverage
A 01-30 & AE Zones	5	\$2,106	\$1,147,000	\$229,400
A Zones	0			
AO Zones	190	\$92,163	\$35,620,800	\$187,478
B, C & X Zones				
- Standard	9	\$7,265	\$1,604,100	\$178,233
- Preferred	10	\$3,620	\$2,730,000	\$273,000
Total	214	\$105,154	\$41,101,900	\$192,065

Step 3 – Prepare the Document

County staff began this process with the intent of learning where flood insurance policies were concentrated and what would need to be done to try to increase the awareness of the importance of protecting property with flood insurance. We began the process by asking our ISO/CRS Specialist to provide the Insurance Zone and Insurance Occupancy sheets needed to calculate the numbers generated in Table 1 and 2. County staff then proceeded to analyze the information provided on these sheets.

Staff summarized that the majority of policies are held in the SFHA AO zone located within the Lockwood area of Storey County. This is also an area of mandatory flood insurance for federal lending requirements, so it makes sense this area of the County has the most policies. Homeowners are typically informed of this requirement through their home loan lender.

There are other areas of the County which do experience random flooding events. These areas are located outside of the SFHA and are associated with mountain drainage and alluvial fan patterns which alter based on the flood event.

Based on this assessment, County staff proposes to work towards providing additional outreach and awareness of flood hazards and providing information related to flood insurance for property protection. Staff proposes to accomplish this by:

- Direct mailing to residents with flood information and locations where they can learn more.
- Utilizing social media, the County website and other digital media.
- Placing posters, informational brochures and other appropriate material in central locations.

Step 4 – Submit to the Board of County Commissioners

This assessment will be presented to the Storey County Board of County Commissioners in September 2018 at a regular meeting. A short presentation will also be included with an explanation of the assessment and possible future actions that may result based on this information.

Step 5 - Reassess

This flood insurance assessment will be re-assessed in 5 years before the next CRS verification/cycle visit. Updated flood insurance data will be requested from the ISO/CRA Specialist prior to the 5 year visit and used to revise this document including the process followed, summary of data, along with any conclusions and recommendations. The revised assessment will then be submitted to the Board of County Commissions prior to the CRS visit.



[Home](#)
[Search](#)
[Previous Search](#)
[Community](#)
[CIS](#)
[CAG/CAY](#)
[Maps](#)
[SUE](#)
[Insurance](#)
[CAG/CSUE](#)
[CAY Selection](#)
[CIS Reports](#)
[Links](#)
[Feedback/Feedback](#)
[FAMS](#)
[Log Out](#)

Insurance Zone

Community Information System

Release 4.11.00.00, 06/06/2017 — Build 003, Skip Navigation Logged in as: lake.constance [Session expires in 20 mins]

Insurance Zone

As of 03/31/2018

Community: STOREY COUNTY* State: NEVADA
 County: STOREY COUNTY CID: 320033

Overview	Occupancy	Zone	Pre/Post FIRM	Policies in Force	Premium	Insurance in Force	Number of Closed Paid Losses	\$ of Closed Paid Losses	Adjustment Expense
A01-30 & AE Zones		5	\$2,106		\$1,147,000	0	\$0.00	\$0.00	\$0.00
A Zones		0	\$0		\$0	1	\$3,190.01	\$275.00	\$0.00
AO Zones		190	\$92,163		\$35,620,800	2	\$19,002.42	\$1,400.00	\$0.00
AH Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
AR Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
A99 Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
V01-30 & VE Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
V Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
D Zones		0	\$0		\$0	0	\$0.00	\$0.00	\$0.00
B, C & X Zone									
Standard		9	\$7,265		\$1,604,100	1	\$1,782.01	\$225.00	\$0.00
Preferred		10	\$3,620		\$2,730,000	3	\$16,988.34	\$1,350.00	\$0.00
Total		214	\$105,154		\$41,101,900	7	\$40,962.00	\$3,250.00	\$0.00



[Home](#)
[Search](#)
[Previous Search](#)
[Community](#)
[URS](#)
[CAIC/CAV](#)
[Maps](#)
[SOS](#)
[Insurance](#)
[CAP-SSSE](#)
[CAV Selection](#)

[CIS Reports](#)
[Links](#)
[Request/Feedback](#)
[FAQs](#)
[Log Out](#)

Release 4.11.00.00, 06/06/2017 – Build 003, Skip Navigation Logged in as: lake.constance [Session expires in 20 mins]

Insurance Overview

As of 03/31/2018

Community: STOREY COUNTY* State: NEVADA
 County: STOREY COUNTY CID: 320033

Overview | Occupancy | Zone | Pre/Post FIRM

Total by Community

Group Flood Insurance

Total Number of Policies:	214	Total Number of Policies:	0
Total Premiums:	\$105,154	Total Premiums:	\$0
Insurance In Force:	\$41,101,900	Insurance In Force:	\$0
Total Number of Closed Paid Losses:	7	Total Number of Closed Paid Losses:	0
\$ of Closed Paid Losses:	\$40,963	\$ of Closed Paid Losses:	\$0

Post Firm Minus Rated Policies

Manufactured Homes

Total Number of Minus Rated Policies:	55	Total Number of Policies:	79
A Zone Minus Rated Policies:	55	Total Number of Closed Paid Losses:	0
V Zone Minus Rated Policies:	0	\$ of Closed Paid Losses:	\$0

ICC

1316

Total Number of ICC Closed Paid Losses: 0
 \$ of ICC Closed Paid Losses: \$0

Number of Properties by Community: 0

Substantial Damage Losses

Number of Substantial Damage Closed Paid Losses: 0



[Home](#)
[Search](#)
[Previous Search](#)
[Community](#)
[CRS](#)
[CAC/CAV](#)
[Maps](#)
[SOS](#)
[Insurance](#)
[CAP/SSSE](#)
[CAV Selection](#)
[CRS Reports](#)
[Links](#)
[Request Feedback](#)
[FAMS](#)
[Log Out](#)

Release 4.11.00.00, 06/06/2017 -- Build 003, Skip Navigation Logged in as: lake.constance [Session expires in 20 mins]

Community Overview

Community:	STOREY COUNTY*	State:	NEVADA
County:	STOREY COUNTY	CID:	320033

Program:	Regular	Emergency Entry:	Regular Entry: 10/04/1989
Status:	PARTICIPATING		Status Effective: 10/04/1989
Current Map:	01/16/2009	Study Underway:	Level of Regs: YES
FIRM Status:	REVISED		Initial FIRM: 02/19/1987
FHBM Status:	SUPERCEDED BY FIRM		Initial FHBM: 01/10/1978

Probation Status:		Probation Ended:	
Probation Effective:		Reinstated Effective:	
Suspension Effective:		Reinstated Effective:	
Withdrawal Effective:			

CRS Class / Discount:	08 / 10%	Policies in Force:	214
Effective Date:	10/01/1999	Insurance in Force:	\$41,101,900.00
CAV Date:	09/20/2012	Workshop Date:	04/04/2017
CAC Date:		GTA Date:	03/20/2018
		Community Website:	http://www.storeycounty.org/

Tribal Community		Sub. Damage Claims Since 1978:	0
-------------------------	--	---------------------------------------	---

HMGP Projects

FMA Projects

Upton Jones Claims

ICC Claims



[Home](#)
[Search](#)
[Previous Search](#)
[Community](#)
[ORS](#)
[CAC/CAV](#)
[Maps](#)
[SOS](#)
[Insurance](#)
[CAP/SSSE](#)
[CAV Selection](#)
[CIS Repoms](#)
[Links](#)
[Request/Feedback](#)
[FAQs](#)
[Log Out](#)

Insurance Occupancy

Community Information System

Release 4.11.00.00, 06/06/2017 -- Build 003, Skip Navigation Logged in as: lake.constance [Session expires in 20 mins]

Insurance Occupancy

As of 03/31/2018

Community: STOREY COUNTY* State: NEVADA
 County: STOREY COUNTY CID: 320033

Overview		Occupancy	Zone	Pre/Post FIRM					
				Policies in Force	Premium	Insurance in Force	Number of Closed Paid Losses	\$ of Closed Paid Losses	Adjustment Expense
Single Family				214	\$105,154	\$41,101,900	7	\$40,962.78	\$3,250.00
2-4 Family				0	\$0	\$0	0	\$0.00	\$0.00
All Other Residential				0	\$0	\$0	0	\$0.00	\$0.00
Non Residential				0	\$0	\$0	0	\$0.00	\$0.00
Total				214	\$105,154	\$41,101,900	7	\$40,962.00	\$3,250.00

				Policies in Force	Premium	Insurance in Force	Number of Closed Paid Losses	\$ of Closed Paid Losses	Adjustment Expense
Condo		0			\$0	\$0	0	\$0.00	\$0.00
Non Condo		214			\$105,154	\$41,101,900	7	\$40,962.78	\$3,250.00
Total		214			\$105,154	\$41,101,900	7	\$40,962.00	\$3,250.00



Home
Search
MyFirm Search
Community
CRS
CAC/CAV
Maps
SOS
Insurance
CAP/SSSE
CAV Selection

CIS Reports
Links
Request/Feedback
FAQs
Help Us

Insurance Pre/Post FIRM

As of 03/31/2018

Community: STOREY COUNTY* State: NEVADA
County: STOREY COUNTY CID: 320033

Overview		Occupancy	Zone	Pre-Post FIRM			
				Pre-FIRM			
	Policies in Force	Premium	Insurance in Force	Number of Closed Paid Losses	\$ of Closed Paid Losses	Adjustment Expense	
A01-30 & AE Zones	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	1	\$3,190.01	\$275.00	
	7	\$3,830	\$1,068,400	2	\$19,002.42	\$1,400.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
V01-30 & VE Zones	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
B, C & X Zone	1	\$415	\$350,000	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	1	\$415	\$350,000	0	\$0.00	\$0.00	
	8	\$4,245	\$1,418,400	3	\$22,192.00	\$1,675.00	
Grand Total							

				Post-FIRM			
	Policies in Force	Premium	Insurance in Force	Number of Closed Paid Losses	\$ of Closed Paid Losses	Adjustment Expense	
A01-30 & AE Zones	5	\$2,106	\$1,147,000	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
	183	\$88,333	\$34,552,400	0	\$0.00	\$0.00	
	0	\$0	\$0	0	\$0.00	\$0.00	
Grand Total							

		Insurance Pre/Post FIRM			
AR Zones	0	\$0	\$0	0	\$0.00
A99 Zones	0	\$0	\$0	0	\$0.00
V01-30 & VE Zones	0	\$0	\$0	0	\$0.00
V Zones	0	\$0	\$0	0	\$0.00
D Zones	0	\$0	\$0	0	\$0.00
B, C & X Zone	18	\$10,470	\$3,984,100	4	\$18,770.35
Standard	9	\$7,265	\$1,604,100	1	\$1,782.01
Preferred	9	\$3,205	\$2,380,000	3	\$16,988.34
Grand Total	206	\$100,909	\$39,683,500	4	\$18,770.00
					\$1,575.00
					\$225.00
					\$1,350.00
					\$1,575.00



[Home](#)
[Search](#)
[Previous Search](#)
[Community](#)
[CRS](#)
[CAO/CAV](#)
[Maps](#)
[SOS](#)
[Insurance](#)
[CAP-SSSE](#)
[CAV Selection](#)

[Old Reports](#)
[Links](#)
[Request/Feedback](#)

[FAMS](#)
[Log Out](#)

Community Information System

Release 4.11.00.00, 08/06/2017 – Build 003, Skip Navigation Logged in as: lake.constance [Session expires in 20 mins]

CRS What-If

GTA

Used If

Comments

Chronology

Activity Notes

CRS Const.

2nd/3rd

Community:
 County:

STOREY COUNTY*

STOREY COUNTY ▼

State:
 CID:

NEVADA
 320033

Current CRS Class = 8

[Printable Version]

TOTAL		SFHA *	X-STD/ARIA99 **	PRP ***
PIF	214	195	9	10
PREMIUM	\$105,154	\$94,269	\$7,265	\$3,620
AVERAGE PREMIUM	\$491	\$483	\$807	\$362
CRS Class				
09	Per Policy	\$27	\$42	\$0
	Per Community	\$5,237	\$382	\$0
08	Per Policy	\$54	\$42	\$0
	Per Community	\$10,474	\$382	\$0
07	Per Policy	\$81	\$42	\$0
	Per Community	\$15,712	\$382	\$0
06	Per Policy	\$107	\$85	\$0
	Per Community	\$20,949	\$765	\$0
05	Per Policy	\$134	\$85	\$0
	Per Community	\$26,186	\$765	\$0
04	Per Policy	\$161	\$85	\$0
	Per Community	\$31,423	\$765	\$0
03	Per Policy	\$188	\$85	\$0
	Per Community	\$36,660	\$765	\$0
02	Per Policy	\$215	\$85	\$0
	Per Community	\$41,897	\$765	\$0
01	Per Policy	\$242	\$85	\$0
	Per Community	\$47,134	\$765	\$0

* SHFA (Zones A, AE, A1-A30, V, V1-V30, AO, and AH); Discount varies depending on class.

** SFHA (Zones A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO); 10% discount for Classes 1-6; 5% discount for Classes 7-9.

*** Preferred Risk Policies are not eligible for CRS Premium Discounts.



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 10 min.

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Discussion and possible action on Bill No. 102, first reading of Ordinance No. 18-293, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

2. **Recommended motion:** I move to approve the first reading of Ordinance No. 18-293.

3. **Prepared by:** Robert Morris, outside counsel
Gary Hames, Community Development Director

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:**

The 2018 editions of the International Codes are ready for adoption by the County. Participating organizations in northern Nevada have reviewed the new codes and have approved the 2018 Northern Nevada Amendments (to those codes) published by the Northern Nevada Chapter of the International Code Council. Staff recommends approval of the attached ordinance.
(Continued on next page)

5. **Supporting materials:** Ordinance 18-293, 2018 Northern Nevada Amendments.

6. **Fiscal impact:** No change on the fiscal impact on local government.

7. **Legal review required:** Yes

ATM 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.

4. Staff summary continued:

The changes are generally described as follows:

1. Chapter 15.04 Buildings and Construction is being amended to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments to those codes.

2. The existing specific building construction standards for Storey County in Storey County Code section 15.04.060 remain in place and supersede any less restrictive or conflicting language in the new codes.

3. The ordinance deletes most of Storey County Code chapter 15.04.080 Fire district requirements that essentially are the 2012 Northern Nevada Amendments that were copied into the code. Now the fire protection district will rely on the language in the 2018 International Fire Code and the 2018 Northern Nevada Amendment language.

Bill No. 102

Ordinance No. 18- 293

Summary

An ordinance amending chapter 15.04 Buildings and Construction, to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments and amending chapter 15.08.060 Appeal from decisions.

Title

An ordinance amending Storey County Code chapter 15.04 Buildings and Construction, to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, amending chapter 15.08.060 Appeal from decisions. and providing for other properly related matters.

Preamble

The Storey County Board of County Commissioners and the Storey County Fire District Board desire to update the uniform codes that regulate the building of structures within the county. There is a concern that the new codes be implemented quickly and effectively so that the public will benefit from their use and that there is be a clear transition for the new codes to apply to new projects. The Board has determined that 2018 codes will be effective in 6 months from the effective date of this ordinance and all projects will be required to be use the 2018 codes after that date. Projects that are initiated under the 2012 codes may be completed under the 2012 codes. The building official will have the discretion to determine the appropriate code for a project. Any project may agree to have the 2018 codes apply before the effective date of this ordinance.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

Section I: Chapter 15.04 is amended as follows:

15.04.010 Adoption of International and Uniform codes.

In order to regulate all matters relating to the construction, maintenance and safety of buildings structures and property within the county, the board, pursuant to NRS 244.3675 and

NRS 278.580, adopts the following codes *to be in force*:

- A. The 2018 International Building Code (IBC)
- B. The 2018 International Residential Code (IRC)
- C. The 2018 International Existing Building Code (IEBC)
- D. The 2018 International Energy Conservation Code (IECC)
- E. The 2018 International Fuel Gas Code (IFGC)
- F. The 2018 International Mechanical Code (IMC)
- G. The 2017 National Electric Code (NEC)
- H. The 2018 Uniform Mechanical Code (UMC)
- I. The 2018 Uniform Plumbing Code (UPC)
- J. The 2018 International Swimming Pool and Spa Code (ISPSC)
- K. The 2018 Northern Nevada Amendments published by Northern Nevada Chapter of the International Code Council
- L. The 2012 International Fire Code (IFC)
- M. The 2012 International Wildland Urban Interface Code (IWUI), with the exception of Section 602 Residential Fire Sprinkler requirements.
- N. The 2017 National Fire Protection Association Standards (NFPA)
- O. The 2018 Northern Nevada Fire Code Amendments
- ~~A. The 2012 International Fire Code (IFC) and Appendices B, C, and D, with the amendments in section 15.04.08~~
- ~~B. The 2012 of the International Building Code (IBC), chapters 1 through 35 and Appendices C, E, I, and J, with the amendments in section 15.04.060 and 15.08.060.~~
- ~~C. The 2012 International Residential Code (IRC), chapters 1 through 44, and Appendices A, B, C, G, H, J, K, and M, with the amendments in section 15.04.060 and 15.08.060.~~
- ~~D. The 2012 International Existing Building Code (IEBC), chapters 1 through 16.~~
- ~~E. The 2009 International Energy Conservation Code (IECC), chapters 1 through 6.~~
- ~~F. The 2012 International Fuel Gas Code (IFGC), chapters 1 through 7 and Appendices.~~
- ~~G. The 2012 Uniform Mechanical Code (UMC), chapters 2 through 17, and Appendices A, B, C.~~
- ~~H. The 2012 International Mechanical Code (IMC), chapters 1 through 15, and Appendix A.~~
- ~~I. The 2012 Uniform Plumbing Code (UPC), chapters 2 through 17, and Appendices A, B, D, E, F, L, and I.~~
- ~~J. The 2011 National Electrical Code (NEC), chapters 1 through 9.~~
- ~~K. The 2012 International Swimming Pool and Spa Code (ISPSC), chapters 1 through 11.~~
- ~~L. The 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB).~~
- ~~M. The 2012 International Wildland Urban Interface Code amendments in section 15.04.080.~~
- ~~N. The 2012 Northern Nevada Amendments published by the Northern Nevada Chapter of the International Code Council. Copies available at www.nnice.org.~~
- ~~O. The 2011 Northern Nevada Energy Code Amendments published by the Northern Nevada Chapter of the International Code Council.~~

Where conflicts occur between the codes *and amendments* referenced above and *this chapter if this chapter is more restrictive, this chapter will apply*, the following ~~amendments, the amendments will apply.~~ (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.020 Adoption authority.

The board of county commissioners may, by ordinance, adopt later editions of the applicable codes identified in section 15.04.010 of this chapter, and must include in the ordinance all the uniform codes in force. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.030 Modification.

The board may modify the uniform codes enumerated in section 15.04.010 of this chapter so that the codes specifically apply to the county, provided the changes are in conformance with applicable state laws. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.040 Copies on file.

Copies of the latest adopted codes in section 15.04.010 and "Standard Details and Specifications for Public Works Construction" must be kept in the offices of the public works or building department. The latest editions of the International Fire Code, International Building Code, the International Wildland Urban Interface Code, and NFPA Standards must be kept at the ~~community development fire district~~ offices. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.050 Construction standards adopted.

"Standard Specifications for Public Works Construction," sponsored by the regional transportation commission of Washoe County, city of Sparks, city of Reno, Carson City, and the city of Yerington, is adopted as the construction standard for all public works and development construction projects. Any updated issue of "Standard Specification for Public Works Construction" will be automatically adopted by Storey County per this section. Other standards and specifications may be adopted by the board by ordinance specifying and identifying the standards. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.060 Storey County building construction standards.

The following construction standards are required for all structures regulated by code within Storey County:

A. Snow load requirements.

All building construction must have a snow load capacity as follows:

Site Elevation (feet above sea level)	Ground Snow load, (Pounds Per Square Foot)
9500 and above	142
9000 – 9499	114

6500 – 8999	90
6000 – 6499	70
5500 – 5999	50
Below 5500	20

B. Seismic zone design requirements.

1. I.B.C. for commercial and industrial construction: The seismic design site class for structures must be based on the Risk Category, and the spectral response acceleration parameters in accordance with Chapter 16 of I.B.C and Chapter 20 of ASCE 7.

2. I.R.C. for single-family residential structures: The seismic design site class for single-family residential structures and structures accessory to residential use is D2.

C. Wind speed design requirements. ~~Per the adopted 2012 Northern Nevada Amendments:~~

Ultimate design wind speed for risk category I structures is 105 mph V_{ult} .

Ultimate design wind speed for risk category II structures is 115 mph V_{ult} .

Ultimate design wind speed for category III and IV structures is 120 mph V_{ult} .

Exposure Category is C. An altitude density reduction may not be taken.

The minimum basic wind speed (3-second gust) for Group R-2 and R-3 structures is 100 mph, Exposure Category C.

D. Foundations.

1. The foundation frost depth requirement for all foundations is 24" from bottom of footing to level of finish grade.

2. Foundations exposed more than 2' above the grade level must be finished in natural wood, native rock, brick, cultured stone, or split face block.

3. The minimum foundation anchor bolt requirement is 5/8" diameter by 10" length or as required to obtain at least 7" of embedment in the concrete. Anchor bolts must be spaced no more than 48" on center. All anchor bolts are to be equipped with 3" square x 1/4" thick plate washers.

E. Roofing requirements.

Fire retardant roofing material is required per NRS 472.100. All roofing materials used must be listed by a nationally recognized testing agency with a Class A rating, unless otherwise approved for industrial or commercial use by the building official. All roofing materials must be installed per manufacturers' specifications. No wood shakes or shingles are allowed.

F. Storage on unimproved lot.

No storage of any kind is allowed on any unimproved lot. Building materials and construction equipment may be located on a lot that has an active building permit for a single-family dwelling. No automobiles or RV type vehicles may be stored on a lot until a certificate of occupancy or safety seal has been issued for the single-family dwelling.

G. Temporary quarters during construction.

A temporary trailer permit may be issued at the discretion of the building official for one travel trailer or motor home connected to a permanent water source and sewer or septic system, as the owner's living quarters during construction of a single-family residence. The permit is initially valid for no more than 180 days. If substantial progress is completed on the permanent residence, the building official may renew the permit for an additional 180 days.

H. Water wells.

Newly constructed water wells for domestic residential use are required to flow at a rate of not less than 2 g.p.m. during the initial 1-hour flow test to meet the requirements for issuance of a residential dwelling building permit. A water quality test report displaying that the water is safe for drinking is required prior to issuance of a residential dwelling building permit.

I. Drainage.

1. Roof drainage or surface storm-water drainage from a structure or developed lot must be controlled through measures approved by the building official, and must not cause adverse impacts on neighboring or adjacent properties.

2. For development of commercial or industrial lots or parcels of 5 acres or larger, or development of residential subdivisions where the aggregate sum of lots or parcels is 5 acres or larger, an engineered hydraulic analysis is required that displays that post development run-off during a 100 year storm event will not exceed pre-development run-off.

J. Retaining walls.

Retaining walls constructed for slope stabilization that are greater than 4 feet in height require engineered design and a building permit.

K. No Duplication of Buildings.

Zoning classifications (E-1-VCH), (E-10-HR), and (E-40-VR), of the Storey County zoning ordinance, Chapter 17.40, shall not permit the same architectural elevation design (regardless of exterior treatment and/or reversal of layout) be approved within two thousand five hundred feet in all directions of the proposed building lot.

(Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.070 Electrical wiring in commercial buildings.

The electrical wiring in all commercial buildings in Storey County must be installed in conduit approved by the applicable code. (Ord. 172 § 1(part), 2000)

15.04.080 Fire district requirements.

A. The following amendments *in addition to the 2018 Northern Nevada Amendments to the 2018 International Fire Code* apply to the International Fire Code:

~~1. 2012 International Fire Code Amendments.~~

~~Note: An underscore is used to indicate new or replacement language to the code. A strike-through is to indicate a deleted item.~~

~~2012 International Fire Code amendments.~~

~~Note: An underscore is used to indicate new or replacement language to the code. A strike through is to indicate a deleted item.~~

IFC Section 102, Applicability:

~~102.3 Change of use or occupancy.~~ No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

~~Change of ownership of the building shall require the building to come up to current Code standards, per NAC 477.917 and adopted by the Nevada Fire Marshal.~~

~~102.7 Referenced Codes and Standards.~~ The codes and standards referenced in this code shall be those that are listed in Chapter 80 ~~shall be the most current edition of the nationally recognized standards unless otherwise designated by NAC 477.281, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in section 102.7 and 102.7.2.~~

IFC Section 105, Permits:

~~105.1.1 Permits Required.~~ Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the *fire code official* and obtain the required permit. Permits required by this code shall be obtained from the Storey County Fire Protection District. Fire Department construction permits will be required and issued for Fire Sprinkler Systems, Detection/Notification Systems and Grading/Civil work, based on total project valuation. See Table 105.1.1.

IFC Section 108, Board of Appeals:

~~—Delete the entire section 108. (See section 15.04.080(C))~~

IFC Section 109, Violations:

~~109.4 Violation Penalties.~~ Unless a greater penalty is provided by Nevada Law, persons who shall violate a provision of this code or fail to comply with any of the code's requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, ~~are guilty of a misdemeanor, shall be guilty of a [SPECIFY OFFENSE] punishable by a fine of not more than \$1,000 dollars per violation or by imprisonment not exceeding 30 days or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

IFC Section 111, Stop Work Order:

~~111.4 Failure to Comply.~~ Any person who shall continues any work after having been served with a stop work order, except such the work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [amount] dollars or more than [amount] dollars is guilty of a misdemeanor.

IFC Section 202, General Definitions:

HIGH-RISE BUILDING. A building with an occupied floor located more than 75-55 feet (22 860-16 764 mm) above the lowest level of fire department vehicle access.

~~Occupancy Classification:~~

~~**Institutional Group I-1.** This occupancy shall include buildings, structures or parts thereof for more than 16 persons who reside on a 24-hour basis in a supervised environment and receive custodial care. The persons receiving care are capable of self-preservation. All portions of a care facility which houses patients or residents which is classified by the State Board of Health as 'Category 2,' (defined as not being able to provide self-preservation) and which has an occupant load of more than 10 residents, is classified as an 'I-1' occupancy classification. This group shall include, but not be limited to, the following:~~

~~Alcohol and drug centers
Assisted living facilities
Congregate care facilities
Convalescent facilities
Group homes
Half-way houses
Residential board and custodial care facilities
Social rehabilitation facilities~~

~~**Five or fewer persons receiving care:** A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or *International Residential Code* Section P2904.~~

~~**Six to sixteen persons receiving care:** A facility such as above, housing at least six and not more than 16 persons receiving such care, shall be classified as Group R-4.~~

~~**Institutional Group I-4, day care facilities:** This group shall include buildings and structures occupied by more than five ~~six~~ persons of any age who receive custodial care for less than 24 hours by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:~~

~~Adult day care
Child day care~~

~~**Classification as Group E:** A child day care facility that provides care for more than five ~~six~~ but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.~~

~~Within a place of religious worship:~~ Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.

~~Five or fewer occupants receiving care:~~ A facility having five six or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

~~Five or fewer occupants receiving care in a dwelling unit:~~ A facility such as the above within a dwelling unit and having five six or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the *International Residential Code*.

Residential Group R-1: Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient) with more than 10 occupants

Brothels

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

Residential Group R-3: Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Boarding houses (non-transient) with 16 or fewer occupants

Boarding houses (transient) with 10 or fewer occupants

Buildings that do not contain more than two dwelling units

Care facilities that provide accommodations for five six or fewer persons receiving care

Congregate living facilities (non-transient) with 16 or fewer occupants

Congregate living facilities (transient) with 10 or fewer occupants

Moderate hazard storage, Group S-1: Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

Aerosols, Levels 2 and 3

Aircraft hangar (storage and repair)

Bags: cloth, burlap and paper

Bamboos and rattan

Baskets

Belting: canvas and leather

Books and paper in rolls or packs

Boots and shoes

Buttons, including cloth covered, pearl or bone

Cardboard and cardboard boxes

Clothing, woolen wearing apparel

Cordage

Dry boat storage (indoor)

Furniture

Furs
Glues, mucilage, pastes and size
Grains
Horns and combs, other than celluloid
Leather
Linoleum
Lumber
Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 5003.1.1(1) (see Section 406.8 of the *International Building Code*)
Photo engravings
Resilient flooring
Self-serve storage (mini-storage)
Silks
Soaps
Sugar
Tires, bulk storage of
Tobacco, cigars, cigarettes and snuff
Upholstery and mattresses
Wax candles

Low hazard storage, Group S-2: Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Storage uses shall include, but not be limited to, storage of the following:

Asbestos
Beverages up to and including 16 percent alcohol in metal, glass or ceramic containers
Cement in bags
Chalk and crayons
Dairy products in non-waxed-coated paper containers
Dry boat storage (indoor)
Dry cell batteries
Electrical coils
Electrical motors
Empty cans
Food products
Foods in noncombustible containers
Fresh fruits and vegetables in non-plastic trays or containers
Frozen foods
Glass
Glass bottles empty or filled with noncombustible liquids
Gypsum board
Inert pigments
Ivory
Meats
Metal cabinets

Metal desks with plastic tops and trim
Metal parts
Metals
Mirrors
Oil-filled and other types of distribution transformers
Parking garages both open and enclosed
Porcelain and pottery
Stoves
Talc and soap stones
Washers and dryers

~~IFC Section 305, Ignition Sources:~~

~~305.1 Clearance from ignition sources.~~ Clearance between ignition sources, such as luminaries, heaters, flame-producing devices and combustible materials, shall be no less than 10 feet and shall be maintained in an approved manner.

~~IFC Section 401, General:~~

~~401.1 Scope.~~ Reporting of emergencies, coordination with emergency response forces, emergency plans, and procedures for managing or responding to emergencies shall comply with the provisions of this section.

~~Exception:~~ Firms that have approved on-premises fire-fighting organizations and that are in compliance with approved procedures for fire reporting.

~~IFC Section 503, Fire Apparatus Access Roads:~~

~~503.2.4 Turning Radius~~ The required turning radius of a fire apparatus access road shall be determined by the fire code official. The outside radius of a fire apparatus access road shall be a minimum of forty-five (45'). The inside radius of any turn shall not be less than thirty (30') feet.

~~503.2.8 Driveways.~~ Driveways intended for fire apparatus access shall be provided when any portion of an exterior wall of the first story of a building is located more than one hundred fifty (150') feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of twelve (12') feet and a minimum unobstructed height of thirteen feet six inches (13'6"). Driveways in excess of one hundred fifty (150') feet in length shall be provided with turnarounds. Driveways in excess of two hundred (200') feet in length and less than twenty feet (20') in width shall be provided with turnouts in addition to turnarounds.

~~503.2.9 Turnout.~~ Turnouts shall be an all-weather road surface at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the fire code official.

~~IFC Section 505, Premises Identification:~~

~~505.1 Address numbers.~~ New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in

~~additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabet letters. Numbers shall be six (6) inches in height with a minimum of three-quarters (3/4) inch stroke for commercial structures under 30,000 square feet, and twelve (12) inches in height with a minimum of a one and one half (1 1/2) inch stroke for commercial structures exceeding 30,000 square feet. All suites shall be identified with either a letter or number four (4) inches in height with a minimum of one half (1/2) inch stroke. Numbers and or letters shall be of a contrasting color and be readily visible from the street. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.~~

~~IFC Section 507, Fire Protection Water Sources:~~

~~507.5.1.2 Fire Hydrant Standards. All new or replacement fire hydrants shall meet the requirement and standards of the Storey County Fire Protection District Policy.~~

~~IFC Section 508, Fire Command Center:~~

~~508.1 General. Where required by other sections of this code and in all buildings classified as high-rise building by the International Building Code or wide-rise buildings which by Storey County Fire Protection District definition, exceed 30,000 square feet and are a single story, a fire command center for fire department operations shall be provided and shall comply with sections 508.1.1 through 508.1.5. Commercial structures less than 5,000 square feet will not require any type of command room. Buildings that are a single structure, between 5,000 square feet and 30,000 square feet will require a command room which may be located within the structure in a location agreed upon between the fire district and the developer.~~

~~508.1.2 Separation.~~

~~The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed in accordance with Section 707 of the International Building Code or horizontal assembly constructed in accordance with Section 711 of the International Building Code, or both.~~

~~508.1.3 Size.~~

~~The fire command center shall be a minimum of 96 square feet with a minimum dimension of 8 feet.~~

~~508.1.5 Required features. The fire command center shall comply with NFPA 72 and shall contain the following features:~~

- ~~1. The emergency voice/alarm communication system control unit.~~
- ~~2. The fire department communications system.~~
- ~~3. Fire detection and alarm system annunciator.~~
- ~~4. Annunciator unit visually indicating the location of the elevators and whether they are operational.~~
- ~~5. Status indicators and controls for air distribution systems.~~
- ~~6. The fire fighter's control panel required by Section 909.1.6 for smoke control systems installed in the building.~~
- ~~7. Controls for unlocking stairway doors simultaneously.~~

8. Sprinkler valve and water flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access, and the location of fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions.
13. An approved Building Information Card that contains, but is not limited to, the following information:
 - 13.1. General building information that includes: property name, address, the number of floors in the building (above and below grade), use and occupancy classification (for mixed uses, identify the different types of occupancies on each floor), estimated building population (i.e., day, night, weekend);
 - 13.2. Building emergency contact information that includes: a list of the building's emergency contacts (e.g., building manager, building engineer, etc.) and their respective work phone number, cell phone number, and e-mail address;
 - 13.3. Building construction information that includes: the type of building construction (e.g., floors, walls, columns, and roof assembly);
 - 13.4. Exit stair information that includes: number of *exit stairs* in the building, each *exit stair* designation and floors served, location where each *exit stair* discharges, *exit stairs* that are pressurized, *exit stairs* provided with emergency lighting, each *exit stair* that allows reentry, *exit stairs* providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve, location of elevator machine rooms, location of sky lobby, location of freight elevator banks;
 - 13.5. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator, location of natural gas service;
 - 13.6. Fire protection system information that includes: locations of standpipes, location of fire pump room, location of fire department connections, floors protected by automatic sprinklers, location of different types of automatic sprinkler systems installed (e.g., dry, wet, pre-action, etc.); and
 - 13.7. Hazardous material information that includes: location of hazardous material, quantity of hazardous material.
14. Work table.
15. Generator supervision devices, manual start and transfer features.
16. Public address system, where specifically required by other sections of this code.
17. Elevator fire recall switch in accordance with ASME A17.1.
18. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.
19. Facility Fire Pre Plan (2'x3' laminated map) showing: Ingress Routes, Egress Routes, Fire Lanes, Power Shunt-Trip location, Main Fire Alarm Control Panel location, Gas Shunt (must be within 20' of fire control room) location, Address location (must be 12" in height minimum and contrast in color from main color of building), Electrical Main Panel, All Sub-Panel locations, Fire Hydrant locations, Knox Box location, Fire Department Connection location, Post Indicator Valve location (as required) and Outside Screw and Yolk (as required).
20. Disconnect. The main switch for disconnecting the utility power and any alternate power sources shall be in the fire command center. Switches shall be covered to prevent accidental

~~activation. Switches shall interrupt the public utility power feeds and any alternate power sources before entering the building. After the switch is operated, no live electrical panels, conductors, or feeds within the premises shall remain energized excluding the emergency electrical circuits.~~

~~21. Main Fire Alarm Control Panel, shall be combination smoke/fire with a writable surface.~~

~~22. Gas Shunt (must be within 20' of fire control room.)~~

~~23. Knox Box.~~

~~24. Fire Department Connection.~~

~~25. Post Indicator Valve.~~

~~26. Outside Screw & Yolk.~~

~~27. In occupancies greater than 55' in height, a fire equipment cache room shall be provided every 5 stories and stocked as specified by the department with jurisdiction. Fire cache room shall be provided and stocked per Storey County Fire request, for buildings or occupancies where it is deemed necessary based on special hazards or square footage.~~

IFC Section 901, Fire Protection Systems:

~~901.6 Inspection, testing and maintenance. Fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents and commercial kitchen hood ventilation systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non required fire protection systems and equipment shall be inspected, tested and maintained or removed.~~

~~901.7 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. In the event that the service/maintenance contract for any fire protection system is canceled or not renewed, the fire code official shall be notified by the service/maintenance contractor within 24 hours.~~

~~Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.~~

IFC Section 903, Automatic Sprinkler Systems:

~~903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, Table 903.2.1.~~

~~**Exception:** Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the International Building Code or not less than 2-hour horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both.~~

Table 903.2.1*
Required Automatic Sprinklers by Fire Area, Response Time and Height
For A, B, E, F, H, I, M, S and U Occupancies
Sprinklers are required when any one of the listed conditions is met.

Fire Jurisdiction	Fire Area ^{b, c}	Height ^d	Response Time
Carson City Fire	>5000 square feet ^{e, f}	3 stories or greater	—
East Fork Fire Protection District (Douglas County)	>5000 square feet	3 stories or greater	—
North Lake Tahoe Fire Protection District	≥5000 square feet ^g	2 stories and a basement or 3 stories or greater	—
North Lyon Fire Protection District	≥5000 square feet	3 stories or greater	—
Reno Fire Department	>5000 square feet ^h	3 stories or greater	—
Truckee Meadows Fire Protection District and Sierra Fire Protection District	≥5000 square feet	3 stories or greater	—
Sparks Fire Department	>5000 square feet	3 stories or greater	Over 6 minutes
Storey Fire Department	>5000 square feet	2 stories and a basement or 3 stories or greater	—
Tahoe Douglas Fire Protection District (Douglas County)	All	—	—

- a. This table is in addition to any other automatic sprinkler requirements in this code.
b. Fire areas may be separated according to IBC 707.3.10.
c. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage.
d. Airport towers and open parking garages complying with IBC 406.5 are exempt from this table.
e. S-1 and S-2 occupancies are exempt from this table.
f. A one-time increase in the fire area is permitted provided said increase is ≤ 50% of the structure's existing permitted fire area square footage.
g. A one-time increase of 360 square feet of fire area is permitted.
h. Automatic fire detection system installed throughout and connected to a central station fire alarm company can be substituted for automatic sprinkler system.

903.2.3 Group E. ~~An automatic sprinkler system shall be provided for Group E occupancies as follows:~~

- ~~Throughout all Group E fire areas greater than 12,000 square feet (1115 m²) in area.~~
- ~~Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.~~

~~Exception:~~ An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level. In high schools where automatic fire sprinkler systems are provided, the automatic fire sprinkler systems for the automotive and woodworking shops must be designed to Ordinary Hazard, Group 1 automatic fire sprinkler systems criteria.

IFC Section 910, Smoke and Heat Removal:

~~910.3.2.2 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate.~~

~~910.3.2.2.1 Control mode sprinkler system. Smoke and heat vents installed in areas of buildings with a control mode sprinkler system shall have operating elements with a higher temperature classification than the automatic fire sprinklers in accordance with NFPA 13.~~

~~910.3.2.2.2 Early suppression fast response (ESFR) sprinkler system. Smoke and heat vents installed in areas of buildings with early suppression fast response (ESFR) sprinklers shall be equipped with a standard response operating mechanism with a minimum temperature rating of 360°F (182°C) or 100°F (56°C) above the operating temperature of the sprinklers, whichever is higher.~~

IFC Section 913, Fire Pumps:

~~913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:~~

- ~~1. Central station, proprietary or remote station signaling service.~~
- ~~2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location. —~~
- ~~3. Locking valves open.~~
- ~~4. Sealing of valves and approved weekly recorded inspection where valves are located — within fenced enclosures under the control of the owner.~~

IFC Section 1016, Exit Access Travel Distance:

TABLE 1016.2
EXIT ACCESS TRAVEL DISTANCE^a

OCCUPANCY	WITHOUT SPRINKLER SYSTEM (feet)	WITH SPRINKLER SYSTEM (feet)
A E F-1 M R S-1	200	250 ^b
I-1	Not Permitted	250 ^c
B	200	300 ^c
F-2, S-2, U	300	400 ^c
H-1	Not Permitted	75 ^c
H-2	Not Permitted	100 ^c
H-3	Not Permitted	150 ^c
H-4	Not Permitted	175 ^c
H-5	Not Permitted	200 ^c
I-2, I-3, I-4	Not Permitted	200 ^c

For SI: 1 foot = 304.8 mm

- a. See the following sections for modifications to exit access travel distance requirements:
 - Section 402.8: For the distance limitation in malls.
 - Section 404.9: For the distance limitation through an atrium space.
 - Section 407.4: For the distance limitation in Group I-2.
 - Sections 408.6.1 and 408.8.1: For the distance limitations in Group I-3.
 - Section 411.4: For the distance limitation in Special Amusement Buildings.
 - Section 1015.4: For the distance limitation in refrigeration machinery rooms.
 - Section 1015.5: For the distance limitation in refrigerated rooms and spaces.
 - Section 1016.4: For increased limitation in Groups F-1 and S-1.
 - Section 1021.2: For buildings with one exit.
 - Section 1028.7: For increased limitation in assembly seating.
 - Section 1028.7: For increased limitation for assembly open-air seating.
 - Section 3103.4: For temporary structures.
 - Section 3104.9: For pedestrian walkways.
- b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems in accordance with Section 903.3.1.2 are permitted.
- c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

1016.4 Group F-1 and S-1 increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height, and
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm), and
3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

IFC Chapter 11, Construction Requirements for Existing Buildings:

~~Delete entire chapter 11.~~

IFC Section 2809, Exterior Storage of Finished Lumber Products:

~~2809.1 General. Exterior storage of finished lumber products, fire wood, chips, hogged material and associated raw products shall comply with Sections 2809.1 through 2809.5.~~

IFC Section 5601, Explosives and Fireworks:

~~5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.~~

~~Exceptions:~~

- ~~1. Storage and handling of fireworks as allowed in Section 5604.~~
- ~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
- ~~3. The use of fireworks for fireworks displays as allowed in Section 5608.~~
- ~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOT 49 CFR Parts 100-185, for consumer fireworks.~~

IFC Section 6101, Liquefied Petroleum Gases:

~~6101.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP gas) and the installation of LP gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP gases shall be determined in accordance with Appendix B of NFPA 58. In the event of a conflict between any provision in this chapter and the regulations of the Board for the Regulation of Liquefied Petroleum Gas, the regulations of the Board take precedence.~~

A. The following International Fire Code appendices are amended:

Appendix B—Fire Flow Requirements.

Section B105, Fire-flow Requirements for Buildings:

~~B105.2 Buildings other than one and two-family dwellings.~~

~~The minimum fire flow and flow duration for buildings other than one and two-family dwellings shall be as specified in Table B105.1.~~

~~Exception: A reduction in required fire flow of up to 75-50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system—installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.~~

B. Only the following sections and amendments to the 2012 International Wildland Urban

Interface Code are adopted:

~~WUI Section 101.2, Scope and General Requirements:~~

~~101.2 Scope.~~ The provisions of this code the Wildland Urban Interface Code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises and to the management of fuels on undeveloped lots and on unmodified portions of large lots within the wildland-urban interface areas in this jurisdiction.

~~Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.~~

~~Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.~~

~~WUI Section 106, Appeals:~~

~~106.1 General.~~ To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, *building official* and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.

~~106.2 Limitations of authority.~~ The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code. (See section 15.04.080(C))

~~WUI Section 302, Wildland Urban Interface Area Designations:~~

~~302.3 Review of wildland-urban interface areas.~~ The code official shall reevaluate and recommend modification to the wildland-urban interface areas contained in the Community Wildland Protection Plan in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the legislative body as deemed necessary by the code official.

~~WUI Section 502, Fire Hazard Severity:~~

~~502.1 General.~~ The fire hazard severity of building sites for all buildings hereafter constructed, modified or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also or Appendix C.

~~WUI Section 504, Class 1 Ignition-resistant Construction:~~

~~504.2 Roof covering.~~ Roofs shall have a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the

~~combustible decking. Roof coverings consisting of shakes or shingles made of wood are not approved as part of any Class A roof assembly.~~

~~504.10.1 Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from lot lines. Under floor ventilation openings shall be located as close to grade as practical.~~

~~**Exception:** Vents designed and approved to prevent flame or ember penetration into the structure may be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas.~~

~~WUI Section 505, Class 2 Ignition-resistant Construction:~~

~~505.10.1 Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from lot lines. Under floor ventilation openings shall be located as close to grade as practical.~~

~~**Exception:** Vents designed and approved to prevent flame or ember penetration into the structure may be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas.~~

~~WUI Section 602, Automatic Sprinkler Systems:~~

~~602.1 General. An approved automatic sprinkler system shall be installed in all occupancies in new buildings required to meet the requirements for Class 1 ignition-resistant construction in Chapter 5. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.~~

~~WUI Section 603, Defensible Space:~~

~~603.2.1 Responsible party. Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non fire-resistive vegetation on the property owned, leased or controlled by said person.~~

~~603.2.1.1 Adjacent land. Property owners of land that is directly adjacent to property containing buildings or structures requiring defensible space are responsible for modifying or removing non fire-resistive vegetation on said property.~~

~~603.2.2 Trees. Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm) or an acceptable distance as determined by the code official."~~

~~WUI Section 604, Maintenance of Defensible Space:~~

~~604.4 Trees.~~ Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm) or an acceptable distance as determined by the code official. Tree crowns within the *defensible space* shall be pruned to remove limbs located less than 6 ~~10~~ feet (1829 ~~3048~~ mm) above the ground surface adjacent to the trees; or an acceptable distance as determined by the code official

~~604.4.1 Chimney clearance.~~ Portions of tree crowns that extend to within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

WUI Section 607, Storage of Firewood and Combustible Materials:

~~607.1 General.~~ Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the *defensible space* shall be located a minimum of 20 ~~30~~ feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Appendix B, Vegetation Management Plan.

WUI Section B101, General:

~~B101.1 Scope.~~ Where required vegetation management plans shall be submitted to the code official and the State Forester Firewarden for review and approval as part of the plans required for a permit.

~~B101.2 Plan content.~~ Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

- ~~1. A copy of the site *defensible space* plan.~~
- ~~2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.~~
- ~~3. A plan for maintaining the proposed fuel reduction measures.~~

WUI Section B102, Defensible Space Plans.

~~B102.1 General.~~ Where required, defensible space plans must be submitted to the code official for review and approval as part of the plans required for a permit.

~~B102.2 Plan content.~~ A defensible space plan shall include at least the following information:

- ~~1. Property boundaries.~~
- ~~2. Current and proposed structures on the property.~~
- ~~3. Trees and vegetation taller than 3 feet in height.~~
- ~~4. Individual plant or brush fields 20 square feet or larger in area.~~
- ~~5. Tree drip lines.~~

6. Roads and driveways in abutting the property.

B.C. All sections of the International Fire Code and the International Wildland Urban Interface Code adopted in section 15.04.010 that refer to a board of appeals, including IFC109, are amended and in order to hear and decide the all appeals of orders, decisions, or determinations made by the fire marshal chief, the following must follow the process in SCC 15.04.090 will be used:

~~1. Any person dissatisfied with the decisions of the fire chief as applied to the person's case may appeal the decision in writing to the state fire marshal for relief within thirty days from the decision of the fire chief. The state fire marshal must make a decision to uphold or reverse the decision of the building official. The decision of the state fire marshal is final and the fire chief must implement the decision.~~

~~2. If the state fire marshal agrees with the fire chief the person may pursue his legal remedies before the appropriate tribunal. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)~~

15.04.090 Violation--Criminal penalty.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor. (Ord. No. 14-255, § II, 5-19-2014; Ord. 13-249, 2013; Ord. 172 § 1(part), 2000)

Section II: Chapter 15.08 is amended as follows:

15.08.060 Appeal from decisions.

Section ~~112~~ 113 of the IBC and IRC is replaced by the following language:

A. In order to hear and decide appeals of orders, decisions, or determinations made by the building official about the application and interpretation of the currently adopted building and uniform codes or any amendments, or any orders, decisions, or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments, there is created a ~~building~~ board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and fire-safety, who are not employees of the jurisdiction. The board of appeals may not waive the requirements of this code. The building official is an ex officio member of the board of appeals and will act as its secretary, but has no vote on any matter before the board. The board of appeals appointed by the board of county commissioners will convene when an appeal has been filed. The board of appeals may adopt rules of procedure for conducting its business, and must render all decisions and findings in writing to the appellant with a duplicate copy to the building official or fire marshal, whoever was appealed.

B. The board of appeals has no authority to interpret the administrative provisions of this code except for decisions of the building official about modifications, alternative materials, alternate designs, methods of construction and uncovering work for inspections.

C. The board of county commissioners must appoint three members to the ~~building~~ board of appeals, one of whom must be an architect, engineer, or a general contractor licensed by the State of Nevada, one of whom must be a person with experience as a fire protection professional, and one of whom must represent the public at large.

The terms for all board members are for a period of two years. If a position becomes vacant for any reason, the vacancy must be filled for the duration of the unexpired term of the member by a majority vote of the board.

D. Any individual may appeal an order, decision or determination made by the building official ~~or fire marshal~~, except as limited by section B above, to the board of appeals by filing a written notification of appeal with the secretary to the board of appeals within 10 working days of the decision. The board of appeals must hold a hearing within 30 days from the receipt of the written notice of appeal unless the appellant agrees to an extension of the time limit. If the applicant has not submitted written notification of appeal within the time frame, the action of the building official ~~or fire marshal~~ is final.

E. All hearings on appeal pursuant to this section are open to the public. All written materials introduced must be identified for the record, and the board may request the production of records and the appearance of persons necessary for their deliberations. The technical rules of evidence do not apply. Any evidence presented to the board of appeals must be relevant to the issue before the board.

F. At the conclusion of the hearing the board of appeals must rule within 20 days from the date of the hearing and state its findings and recommendations on the appeal. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

Section III: Section 15.12.020 is amended is follows:

15.12.020 Application contents and fee.

A. The application for a building permit must be made on forms provided by the building official, and must contain the following information:

1. Name and address of applicant;
2. Identify and describe the ~~work~~ to be covered by the permit;
3. Primary contractor's name, address and Nevada State license number;
4. If submitted under NAC 624 as an owner-builder. A written acknowledgment of the owner-builder restriction statement per NRS 278.573;
5. A description of the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed work.
6. The intended use and occupancy of the proposed work.
7. Any construction documents or other information required by code.
8. Subcontractor's name, address and Nevada State license number;
9. Residential designer, address and Nevada State license number;
10. Architect's name, address and Nevada State license number;

11. Engineer's name, address and Nevada State license number;
12. Cost of work, based on the retail price or a contractor's price for such work;
13. Date the work is to commence and the estimated date of completion.

B. Permit fees. Applications for building permits must be accompanied by the fees established by resolution of the board, which resolutions are on file in the county building department.

C. Plan review fees. In addition to any other fee required in connection with an application or permit, when submittal documents are required a plan review fee must be paid at the time of submitting the construction documents for plan review. The plan review fee is 65 percent of the building permit fee unless the fee is set by resolution of the board. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

Section IV: This ordinance will become effective on _____, 2018.

Proposed on _____, 2018.

by Commissioner _____

Passed on _____, 2018.

Vote: Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____

Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2018.

2018 NORTHERN NEVADA AMENDMENTS TO THE
2018 International Building Code
2018 International Residential Code
2018 International Existing Building Code
2018 International Energy Conservation Code
2018 International Fuel Gas Code
2018 International Mechanical Code
2018 Uniform Mechanical Code
2018 Uniform Plumbing Code
2017 National Electric Code

Published by the Northern Nevada Chapter of the International Code Council on September 1, 2018

Participating organizations in the production of this document are:

Associated Builders and Contractors	ACG	AM Smith Electric
BANN		
Charles Abbott Associates	CDS Nev	Construction Materials Engineers
Farr West Engineering	Frame Architecture	Home CSI
IME	JE Engineering	Lepori Construction
Lumos and Associates	Manhard Consulting	McElhaney Structural
Nevada Builders Alliance	NV Bell	NV Energy
Peerless Construction	Premier Inspection Services	QD Construction
Ranglen System Balance	RHP Mechanical Systems	Savage and Sons
Sierra Green Builders	Strongtie	The Builders Association
University of Nevada - Reno	Versagrade Inc	Western Pacific Electric

Participating agencies in the production to this document are:

Carson City
108 E. Proctor St.
Carson City, NV 89701

City of Fernley
595 Silver Lace Blvd.
Fernley, NV 89408

City of Reno
1 E. First St.
Reno, NV 89501

City of Sparks
431 Prater Way
Sparks, NV 89431

Douglas County
1594 Esmeralda Ave
Minden, NV 89423

Lyon County
27 S. Main
Yerington, NV 89447

Pershing County
398 Main St.
Lovelock, NV 89419

Washoe County
1001 E. Ninth St.
Reno, NV 89512

Storey County
110 Toll Rd.
Virginia City, NV 89440

Preface

This document comprises proposed amendments to the following codes as published by the International Code Council, Inc, amended by the Participating Agencies listed above, with the support of the Northern Nevada Chapter of the International Code Council:

2018 Edition of the International Building Code

2018 Edition of the International Existing Building Code

2018 Edition of the International Energy Conservation Code

2018 Edition of the International Fuel Gas Code

2018 Edition of the International Mechanical Code

2018 Edition of the International Residential Code

2017 Edition of the National Electrical Code

2018 Edition of the Uniform Mechanical Code

2018 Edition of the Uniform Plumbing Code

This document is hereafter referenced as the 2018 Northern Nevada Code Amendment and is prepared to be adopted by reference by the local Authority Having Jurisdiction. These provisions are not considered to be or enacted as the code unless the provisions are adopted and codified by the local Authority Having Jurisdiction.

The purpose of the document is to provide a consist area-wide application to the enforcement of the fire and life safety code sections noted in the International Fire Code, while still acknowledging necessary modifications to the nationally recognized fire and life safety document based upon the local needs of the community.

Notes:

Deleted language in the base code has bee ~~stricken through~~.

Added language to the code section has been underlined.

The entire section amended has been shown for context.

TABLE OF CONTENTS

Section	Page
Amendments to the 2018 International Building Code	11
Chapter 1 Scope and Administration (If adopted by local AHJ)	11
202 Definitions	11
305.2 Group E, day care facilities	11
308.2 Institutional Group I-1	12
308.5 Institutional Group I-4, day care facilities	12
310.2 Residential Group R-1	13
311.2 Moderate-hazard storage, Group S-1	13
403.5.4 Smokeproof enclosures	15
906 Portable fire extinguishers	15
910.2 Where required	15
1010.1.10 Panic and fire exit hardware	15
1209.4 Baby changing tables	16
1503.6 Snow shedding and impact areas	16
1608.2 Ground snow loads	17
Table 1608.2.1 Ground Snow Loads P_g For Northern Nevada Locations	18
1609.1.1 Determination of wind loads	18
1609.1.1.1 Applicability	19
1609.3 Basic design wind speed	19
Table 1609.2 <i>Special Wind Region Defined: Minimum Basic Wind Speeds</i>	20
1704.2 Special inspections and tests	20
1803.2 Investigations required	21
1803.6 Reporting	21
1807.2.1.1 Rockery retaining walls	22
1808.6.1 Foundations	23
1809.5 Frost protection	23
2901.1 Scope	23

2902.1	Minimum number of fixtures	24
Table 2902.1	Minimum Number of Required Fixtures	25
3102.7	Engineering design	27
1105.2	Footings	27
Amendments to the 2018 International Existing Building Code		28
301.6	Baby changing tables	28
902.1	High-rise building	28
Amendments to the 2018 International Energy Conservation Code		28
C102.1.1	Above code program	28
C201.3	Terms defined in other codes	29
C202	General definitions	29
C402.5.3	Rooms containing fuel-burning appliances	29
C402.5.9	Air curtains	30
C403.2.2	Ventilation (Mandatory)	30
C403.6.1	Variable air volume and multiple-zone systems	30
C403.6.6	Multiple-zone VAV system ventilation optimization control	31
C403.7.1	Demand control ventilation (Mandatory)	31
C403.7.2	Enclosed parking garage ventilation controls (Mandatory)	32
C403.7.4	Energy recovery ventilation systems (Mandatory)	32
C403.7.7	Shutoff dampers (Mandatory)	33
C403.11.1	Duct and plenum insulation and sealing (Mandatory)	34
C403.11.2.1	Low-pressure duct systems (Mandatory)	34
C403.11.2.2	Medium-pressure duct systems (Mandatory)	35
C406.6	Dedicated outdoor air systems	35
C501.4	Compliance	35
Chapter 6	Referencing Standards	35
R102.1.1	Above code programs	36

R401.3	Certificate (Mandatory)	36
R402.4.1.2	Testing	37
R403.3.4	Duct leakage (prescriptive)	37
R403.6	Mechanical ventilation (Mandatory)	38
Amendments to the 2018 International Fuel Gas Code		38
301.1.2	LP-Gas installations	38
301.16	Snow hazard	38
406.4.1	Test pressure	38
406.4.2	Test duration	38
406.6.2	Before turning gas on	39
Amendments to the 2018 International Mechanical Code		39
401.2	Ventilation required	39
505.4	Makeup air required	40
508.1	Makeup air	40
603.2	Duct sizing	40
Amendments to the 2018 International Residential Code		41
Chapter 1	Scope and Administration (if adopted by the local AHJ)	41
R202	Definitions	41
Table R3012(1) Climatic and Geographic Design Criteria		41
R313.1	Townhouse automatic fire sprinkler systems	42
R313.2	One- and Two-family dwellings automatic fire sprinkler systems	43
N1102.4.1.2	Testing	43
M1503.6	Makeup air required	44
G2402.1.1	LP-Gas installations	44
G2402.12	Snow hazard	44
G2417.4.1	Test pressure	45

G2417.4.2	Test duration	45
G2417.6.2	Before turning gas on	45
G2417.6.2.1	For medium pressure gas systems	45
G2417.6.2.2	For appliances or equipment requiring pounds of pressure	46
G2417.6.2.3	Manometer testing	46
P2503.5.1	Rough plumbing	46
P2603.5.1	Sewer depth	46
P3002.2.2	Building sewer	47
E3601.6.2	Service disconnect location	47
E3705.6.1	Edison fuses	47
E3901.2.2	Wall space	47
E3902.2	Garage and accessory building receptacles	48
E3902.17	Arc-fault circuit-interrupter protection for branch circuit extensions or modifications	48
AH105.2	Footings	48
Amendments to the 2017 National Electrical Code		49
210.52(A)(2)	Wall spacing	49
225.32	Locations	49
230.70(A)(1)	Readily accessible location	50
240.51(B)	Replacement only	50
250.118(4)	Types of equipment grounding conductors	50
250.120	Equipment grounding conductor installation	51
314.17(C)	Nonmetallic boxes and conduit bodies	51
358.12	Uses not permitted	51
700.10(D)	Fire protection	52
700.12	General requirements	52
Amendments to the 2018 Uniform Mechanical Code		53

304.3	Access to appliances on roofs	53
403.7.2	Enclosed parking garages	53
504.4.2.1	Length limitations	54
505.10	Makeup air	54
508.3.5.4	Evaporative cooling systems used as makeup air systems	54
511.2.2.2	Capture and containment test	55
604.1	General	55
608.1	Air-moving systems and smoke detectors	56
609.0	Performance test for automatic shutoffs	56
939.0	Sauna heaters	57
1301.1	Applicability	57
1313.3	Test pressure	57
1313.5.1	Turning gas on	58

Amendments to the 2018 Uniform Plumbing Code	58
---	-----------

216.0	Definitions	58
218.0	Definition Penetration Firestop System	59
222.0	Definitions "T" rating	59
312.7	Fire-resistant construction	59
422.0	Minimum number of required fixtures	59
Table 422.1	Minimum Plumbing Facilities	59
609.1	Installation	60
712.1	Media	60
717.1	General (size of building sewers)	60
723.1	General (building sewer test)	60
1107.2	Method of testing storm drainage systems	61
1201.1	Installation	61
1208.6.1.3	Snow hazard	61
1213.3	Test pressure	61

1213.5.1	Turning gas on	62
Chapter 14	Firestop Protection	62
2018	Northern Nevada Amendments Appendix	63
	<i>Appendix Table R301.2(1)</i>	63

Amendments to the 2018 Edition of the International Building Code

Section 202 Definitions

Amend Section 202 to read as follows:

HIGH-RISE BUILDING. A building with an occupied floor located more than ~~75~~ 55 feet (~~22 860~~ 16 764 mm) above the lowest level of fire department vehicle access.

International Electrical Code. The Electrical Code, whether the National Electrical Code or the International Electrical Code, as amended and adopted by the local jurisdiction.

International Mechanical Code. The Mechanical Code, whether the Uniform Mechanical Code or the International Mechanical Code as amended and adopted by the local jurisdiction.

International Plumbing Code. The Plumbing Code, whether the Uniform Plumbing Code or the International Plumbing Code, as amended and adopted by the local jurisdiction.

International Fuel Gas Code. The Fuel Gas Code, whether NFPA 54 or the International Fuel Gas Code, as amended and adopted by the local jurisdiction.

Surcharge. A vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. *Examples include:*

- Sloped retained soil.
- Structure footings supported by the retained soil.
- Adjacent vehicle loads supported by the retained soil.

Section 305.2 Group E, day care facilities

Amend Section 305.2 to read as follows:

305.2 Group E, day care facilities. This group includes buildings and structures, or portions thereof occupied by more than ~~five~~ six children older than 2 ½ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

305.2.1 Within Places of religious worship. Rooms and spaces within *places of religious worship* providing such day care during religious functions shall be classified as part of the primary occupancy.

305.2.2 ~~Five Six~~ or fewer children. A facility having ~~five~~ six or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 ~~Five Six~~ or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having ~~five~~ six or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*

Section 308.2 Institutional Group I-1

Amend Section 308.2 to read as follows:

308.2 Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.2.1 or 308.2.2. This group shall include, but not be limited to, the following.

Alcohol and drug centers

Assisted living facilities

Congregate care facilities

Group homes

Halfway houses

Residential board and care facilities

Social rehabilitation facilities

308.2.1 Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care who, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

308.2.2 Condition 2. This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

308.2.3 Six to 16 persons receiving custodial care. A facility housing not fewer than six and not more than 16 persons receiving custodial care shall be classified as Group R-4.

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

308.2.5 Board of Health. All portions of a care facility which houses patients or residents which is classified by the State Board of Health as 'Category 2,' and which has an occupant load of more than 10 residents, is classified as an 'I-1' occupancy classification.

Section 308.5 Institutional Group I-4, day care facilities

Amend Section 308.5 to read as follows:

308.5 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than ~~five~~ six persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood,

marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care

308.5.1 Classification as Group E. A child day care facility that provides care for more than ~~five~~ six but not more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit door* directly to the exterior, shall be classified as Group E.

308.5.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

308.5.3 Five Six or fewer persons receiving care. A facility having five six or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

308.5.4 ~~Five Six~~ or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having ~~five~~ six or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Section 310.2 Residential Group R-1

Amend Section 310.2 to read as follows:

310.2 Residential Group R-1. Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:

Boarding houses (transient) with more than 10 occupants

Brothels

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

Group 311.2 Moderate-hazard storage, Group S-1

Amend Section 311.2 to read as follows:

311.2 Moderate-hazard storage, Group S-1. Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

Aerosol products, Levels 2 and 3

Aircraft hangar (storage and repair)

Bags: cloth, burlap and paper

Bamboos and rattan

Baskets

Belting: canvas and leather

Books and paper in rolls or packs

Boots and shoes

Buttons, including cloth covered, pearl or bone

Cardboard and cardboard boxes

Clothing, woolen wearing apparel

Cordage

~~Dry boat storage (indoor)~~

Furniture

Furs

Glues, mucilage, pastes and size

Grains

Horns and combs, other than celluloid

Leather

Linoleum

Lumber

Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1(1) (see Section 406.8)

Photo engravings

Resilient flooring

Self-service storage facility (mini-storage)

Silks

Soaps

Sugar

Tires, bulk storage of

Tobacco, cigars, cigarettes and snuff

Upholstery and mattresses

Wax candles

Section 403.5.4 Smokeproof enclosures

Amend Section 403.5.4 to read as follows:

403.5.4 Smokeproof enclosures. Every required *interior exit stairway* serving floors more than ~~75~~ 55 feet (~~22 860~~ 16 764 mm) above the lowest level of fire department vehicle access shall be a *smokeproof enclosure* in accordance with Sections 909.20 and 1023.11

Section 906 Portable Fire Extinguishers

Amend to Section 906 to read as follows:

Refer to the 2018 Editions of the International Fire Code and the 2018 Northern Nevada Fire Amendments.

Section 910.2 Where required

Amend Section 910.2 to read as follows:

910.2 Where required. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

Exceptions:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an *approved automatic sprinkler system*.
2. ~~Smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers.~~ Automatic smoke and heat vents are not required within areas of buildings equipped with early suppression fast-response (ESFR) sprinklers unless the area of Group F-1 or S-1 occupancy protected with the ESFR sprinklers has an exit access travel distance of more than 250 feet (76 200mmn).
3. Smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 (m x S)^{1/2} or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers.

1010.1.10 Panic and fire exit hardware

Amend Section 1010.1.10 to read:

1010.1.10 Panic and fire exit hardware. Swinging doors serving a Group H occupancy and swinging doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy shall not be provided with a latch or lock other than panic hardware or fire exit hardware.

Exceptions:

1. A main exit of a Group A occupancy shall be permitted to have locking devices in accordance with Section 1010.1.9.4, Item 2.
2. Doors provided with panic hardware or fire exit hardware and serving a Group A or E occupancy shall be permitted to be electrically locked in accordance with Section 1010.1.9.9 or 1010.1.9.10.

Electrical rooms with equipment rated ~~1,200~~ 800 amperes or more and over 6 feet (1829 mm) wide, and that contain overcurrent devices, switching devices or control devices with exit or exit access doors, shall be equipped with panic hardware or fire exit hardware. The doors shall swing in the direction of egress travel.

Section 1209.4 Baby Changing Tables

Amend Section 1209 by adding Section 1209.4 as follows:

1209.4 Baby Changing Tables. Diaper changing tables are required to be installed in both male, female and other restrooms, in permanent buildings that contain public restrooms as defined in chapter 29 of the 2018 IBC. Changing tables are required when any of the following occur: new buildings, tenant improvements, new restrooms, alteration of existing restrooms, new additions, change of uses that require updating existing restrooms with additions to those facilities. Shall meet the guidelines of 603.5, 309 and 902 of ANSI/ICC A117.1-2009.

Exceptions: A building or facility that does not have public restrooms or has been issued a permit or license which restricts the admission of children on the basis of age, shall be exempt from this requirement.

Section 1503.6 Snow shedding and impact areas

Amend Section 1503 by adding Section 1503.6 as follows:

1503.6 Snow shedding and impact areas. Snow shedding onto adjacent properties is prohibited. Snow shed impact areas shall be designed to contain shedding snow from structures and prevent snow from encroaching onto adjacent properties when ground snow loads exceed 154 p_g when located in Washoe County or Carson City, or exceeds 69 p_g when located in Storey County. The roof and eaves of all structures shall be designed so that snow shed impact areas will not occur in or on required exits, parking areas, driveways, LPG storage tanks, walkways, and public areas.

Exception: The snow shed impact area may be reduced provided an engineered snow restraint system, designed in accordance with this code, is incorporated into the roof design and the roof drainage system.

Section 1608.2 Ground snow loads

Amend Section 1608.2 to read as follows:

1608.2 GROUND SNOW LOADS. THE GROUND SNOW LOADS TO BE USED IN DETERMINING THE DESIGN SNOW LOADS FOR ROOFS SHALL BE DETERMINED IN ACCORDANCE WITH TABLE 1608.2.1 ASCE 7 OR FIGURE 1608.2 FOR THE CONTIGUOUS UNITED STATES AND TABLE 1608.2 FOR ALASKA. SITE-SPECIFIC CASE STUDIES SHALL BE MADE IN AREAS DESIGNATED "CS" IN FIGURE 1608.2. GROUND SNOW LOADS FOR SITES AT ELEVATIONS ABOVE THE LIMITS INDICATED IN FIGURE 1608.2 AND FOR ALL SITES WITHIN THE CS AREAS SHALL BE APPROVED. GROUND SNOW LOAD DETERMINATION FOR SUCH SITES SHALL BE BASED ON AN EXTREME VALUE STATISTICAL ANALYSIS OF DATA AVAILABLE IN THE VICINITY OF THE SITE USING A VALUE WITH A 2-PERCENT ANNUAL PROBABILITY OF BEING EXCEEDED (50-YEAR MEAN RECURRENCE INTERVAL). SNOW LOADS ARE ZERO FOR HAWAII, EXCEPT IN MOUNTAINOUS REGIONS AS APPROVED BY THE BUILDING OFFICIAL. THE SNOW LOADS FOR ELEVATIONS ABOVE 4500 FEET SHALL BE TAKEN FROM TABLE 1608.2.1.

Table 1608.2.1 GROUND SNOW LOADS P_g , FOR NORTHERN NEVADA LOCATIONS

Add Table 1608.2.1 to read as follows:

**TABLE 1608.2.1
GROUND SNOW LOADS P_g , FOR NORTHERN NEVADA LOCATIONS**

Elevation In Feet	West of U.S. Hwy 395 Sierra Slope Carson, Douglas, Washoe Counties, Reno P_g (Pounds Per Square Foot)	East of U.S. Hwy 395 Carson, Douglas, Washoe Counties, Reno & Sparks P_g (Pounds Per Square Foot)	Lyon County P_g (Pounds Per Square Foot)	Storey County P_s (Pounds Per Square Foot)	All Nevada Counties, Lake Tahoe Basin P_g (Pounds Per Square Foot)
4500	30	30	10	10	
5000	30	30	30	10	
5100	41	31	31	10	
5200	52	33	31	10	
5300	64	34	34	10	
5400	75	35	35	10	
5500	86	37	37	50	
6000	142	43	43	70	220
6500	171	43	43	90	235
7000	200	57	57	90	250
7500	215	57	57	90	265
8000	229	86	86	90	280
8500	243	86	86	90	295
9000	271	114	114	114	330
9500	300	142	142	120	390
10000	357	142	142	142	420

Section 1609.1.1 Determination of wind loads

Amend Section 1609.1.1 to read as follows:

1609.1.1 Determination of wind loads. Wind loads on every building or structure shall be determined in accordance with Chapter 26 to 30 of ASCE 7. The type of opening protection required, the basic design wind speed, V , and the exposure category for a site is permitted to be determined in accordance with section 1609 or ASCE 7. The wind speed in the City of Reno, the City of Sparks, Douglas, Pershing and Washoe Counties shall be per the Special Wind Region Table 1609.3.2 Wind shall be assumed to come from any horizontal direction and wind pressures shall be assumed to act normal to the surface considered.

Exceptions:

1. Subject to limitations of section 1609.1.1.1, the provisions of ICC 600 shall be permitted for applicable Group R-2 and R-3 buildings.
 2. Subject to the limitations of Section 1609.1.1.1, residential structures using the provisions of AWC WFCM.
 3. Subject to the limitations of Section 1609.1.1.1 residential structures using the provisions of AISI S230.
 4. Designs using NAAMM FP 1001.
 5. Designs using TIA-222 for antenna-supporting structures and antennas, provided that the horizontal extent of Topographic Category 2 escarpments in Section 2.6.6.2 of TIA-222 shall be 16 times the height of the escarpment.
 6. Wind tunnel tests in accordance with ASCE 49 and Sections 31.4 and 31.5 of ASCE 7.
- The wind speeds in Figures 1609.3(1) through 1609.3(8) are basic design wind speeds, V , and shall be converted in accordance with Section 1609.3.1 to allowable stress design wind speeds, V_{asd} , when the provisions of the standards referenced in Exceptions 4 and 5 are used. The wind speed in the City of Reno, the City of Sparks, Douglas, Pershing and Washoe Counties shall be per the Special Wind Region Table 1609.3.2

Section 1609.1.1.1 Applicability

Amend Section 1609.1.1.1 to read as follows:

1609.1.1.1 Applicability. The provisions of ICC 600 are applicable only to buildings located within Exposure B or C as defined in section 1609.4. The wind speed in the Carson City, City of Reno, the City of Sparks, Douglas, Pershing and Washoe Counties shall be per the Special Wind Region Table 1609.3.2. The provisions of ICC 600, AWC WFCM and AISI S230 shall not apply to buildings sited on the upper half of an isolated hill, ridge, or escarpment meeting all of the following conditions:

1. The hill, ridge or escarpment is 60 feet (18288 mm) or higher if located in Exposure B or 30 feet (9144 mm) or higher if located in Exposure C.
2. The maximum average slope of the hill exceeds 10 percent.
3. The hill, ridge or escarpment is unobstructed upwind by other such topographic features for a distance from the high point of 50 times the height of the hill or 2 miles (3.22 km), whichever is greater.

Section 1609.3 Basic design wind speed

Amend Section 1609.3 to read as follows:

1609.3 Basic design wind speed. The basic design wind speed, V , in mph, for the determination of the wind loads shall be determined by figures 1609.3(1) through (8). The basic design wind speed, V , for use in the design of Risk Category II buildings and structures shall be obtained from Figures 1609.3(1) and 1609.3(5). The basic design wind speed, V , for use in the design of Risk Category III buildings and structures shall be obtained from Figures 1609.3(2) and 1609.3(6). The basic design wind speed, V , for use in the design of Risk Category IV buildings and structures shall be obtained from Figures 1609.3(3)

and 1609.3(7). The basic design wind speed, V , for use in the design of Risk Category I buildings and structures shall be obtained from Figures 1609.3(4) and 1609.3(8). No altitude density reduction shall be taken.

The basic design wind speed, V , for the special wind regions indicated near mountainous terrain and near gorges shall be in accordance with local jurisdiction requirements. The basic design wind speeds, V , determined by the local jurisdiction shall be in accordance with Chapter 26 of ASCE 7. Utilizing Special wind region Table 1609.3.2.

TABLE 1609.2 SPECIAL WIND REGION DEFINED: MINIMUM BASIC WIND SPEEDS

Add Table 1609.3.2 to read as follows:

TABLE 1609.3.2

SPECIAL WIND REGION DEFINED:

MINIMUM BASIC WIND SPEEDS

For Carson City, City of Reno, City of Sparks, Douglas, Lyon, Pershing, Storey and Washoe Counties the design wind speed values shall be:

Risk Category	Ultimate Wind Speed V_{ult} (mph)	V_{asd} Wind Speed 3-sec gust (mph)
I	110	85
II & 2018 IRC	120	93
III	130	101
IV	135	104

Table notes:

- a) Air density corrections to design wind pressures are prohibited.
- The conversions from V_{ult} to V_{asd} are based on Table 1609.3.1

Section 1704.2 Special inspections and tests

Amend Section 1704.2 to read as follows:

1704.2 Special inspections and tests. Where application is made to the *building official* for construction as specified in Section 105, the owner or the owner's authorized agent, other than the contractor, shall employ one or more *approved agencies* to provide *special inspections* and tests during construction on the types of work specified in Section 1705 and identify the *approved agencies* to the *building official*. These *special inspections* and test are in addition to the inspections by the *building official* that are identified in Section 110.

Exceptions:

1. *Special inspections* and tests are not required for construction of a minor nature or as warranted by conditions in the jurisdiction as *approved* by the *building official*.
2. Unless otherwise required by the *building official*, *special inspections* and test are not required for Group R-3 occupancies as applicable in section 101.2 and Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
3. *Special inspections* and test are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.1.2 or the conventional light-frame constructions provisions of Section 2308.
4. The contractor is permitted to employ the *approved agencies* where the contractor is also the owner.

Section 1803.2 Investigations required

Amend Section 1803.2 to read as follows:

1803.2 Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exception: The *building official* ~~shall be permitted to waive the requirement for~~ need not require a geotechnical investigation where satisfactory data from adjacent areas is provided by a licensed design professional available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

Section 1803.6 Reporting

Amend Section 1803.6 to read as follows:

1803.6 Reporting. Where geotechnical investigations are required, a written report of the investigations shall be submitted to the building official by the permit applicant at the time of permit application. This geotechnical report shall include, but need not be limited to, the following information:

1. A plot showing the location of the soil investigations
2. A complete record of the soil boring and penetration test logs and soil samples.
3. A record of the soil profile.
4. Elevation of the water table, if encountered.
5. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement, and varying soil strength; and the effects of adjacent loads
6. Expected total and differential settlement.
7. Deep foundation information in accordance with Section 1803.5.5.
8. Special design and construction provisions for foundations of structures founded on expansive soils, as necessary.
9. Compacted fill material properties and testing in accordance with Section 1803.5.8.

10. Controlled low-strength material properties and testing in accordance with Section 1803.5.9.
11. Where required by 1803.5.11, investigation of liquefaction hazards shall be performed in accordance with "Guidelines for Evaluating Liquefaction Hazards in Nevada;" investigation of hazards associated with surface displacement due to faulting or seismically induced lateral spreading or lateral flow shall be performed in accordance with "Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada."

Section 1807 2.1.1 Rockery retaining walls

Amend Section 1807.2 adding Section 1807.2.1.1 as follows:

1807.2.1.1 Rockery retaining walls.

Rockery retaining walls or rockery soil stabilization walls shall not be subject to surcharges, such as building foundations, adjacent retaining structures, slopes or vehicle surcharge. Rockery walls over four feet in height shall be engineered and shall have special inspection. The special inspection shall verify all of the specified items listed below. Wall height is determined from the bottom of the footing to the adjacent grade at the top of the wall. Structures adjacent to rockery wall shall be set back a minimum distance equal to the height of the wall. As described above, drainage shall be provided behind all engineered rockery walls. A global stability analysis shall be performed for all rockery walls that are terraced. No single tier shall exceed 8 feet in height. The Engineer shall specify on the construction documents:

1. Type and quality of rock.
2. Unit weight, if design exceeds 155 pcf.
3. Rock size in approximate diameter.
4. Rock placement.
5. Voids greater than 3" shall be filled.
6. Drainage swale and system.
7. Embedment.
8. Wall face slope (batter 6v:1H recommended).
9. Mechanically stabilized earth, if specified.

A Global Stability Analysis shall include the following:

1. Shall be stamped by a licensed geotechnical engineer.
2. Shall include a seismic evaluation representative of the location.
3. All results of the analysis shall be included in the report.

1808.6.1 Foundations

Amend Section 1808.6.1 to read as follows:

1808.6.1 Foundations. Foundations placed on or within the active zone of expansive soils shall be designed to resist differential volume changes and to prevent structural damage to the supported structure. Deflection and racking of the supported structure shall be limited to that which will not interfere with the usability and serviceability of the structure.

Foundation placed below where volume change occur or below expansive soil shall comply with the following provisions:

1. Foundations extending into or penetrating expansive soils shall be designed to prevent uplift of the supported structure.
2. Foundations penetrating expansive soils shall be designed to resist forces exerted on the foundation due to soil volume changes or shall be isolated from the expansive soil.

Post-tensioned slabs shall not be utilized in place of frost depth footing design unless super structure deflection and differential movement calculations are provided. The deflection calculations would need to show that the maximum combined frost and expansive soil heaving, as localized at slab edges, with resultant non-uniformly distributed deflections, as well as whole slab deflections would not result in super structure racking or excessive truss, roof or wall frame movement.

Section 1809.5 Frost protection

Amend Section 1809.5(1) to read as follows:

1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality. Refer to 2018 Northern Nevada Amendments Appendix Table R201.2(1) for requirements of local Authorities Having Jurisdiction.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.
2. Area of 600 square feet (56 m²) or less for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction.
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

Section 2901.1 Scope

Amend Section 2901.5 to read as follows:

2901.1 Scope. The provisions of this chapter and the ~~International Plumbing Code~~ Uniform Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in *buildings* and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. ~~Private sewage disposal systems shall conform to the International Private Sewage Disposal Code.~~ The *International Fire Code*, the *International Property Maintenance Code* and the *International Plumbing Code* shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The *International Existing Building code* and the *International Plumbing Code* shall govern the *alteration, repair, relocation, replacement and addition* of plumbing components, *appliances, equipment* and systems.

Section 2902.1 Minimum number of fixtures

Amend Section 2902.1 to read as follows:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code. Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction.

TABLE 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

Amend Table 2902.1 to read as follows:

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES ^a

No.	CLASS	OC C	DESCRIPTION	WATER CLOSETS ^h (URINALS SEE SECTION 419.2 OF THE INTERNATIONAL PLUMBING CODE)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAINS ^{e,f} (SEE SECTION .1 OF THE INTERNATIONAL PLUMBING CODE)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100	1 service sink
2	Educational	E	Educational facilities	1 per 50		1 per 50		—	1 per 100	1 service sink
3	Factory and Industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		See Section 411 of the International Plumbing Code	1 per 400	1 service sink
4	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home patients ^b	1 per room ^c		1 per room ^m		1 per 15	1 per 100	1 service sink
			Employees, other than residential care ^b	1 per 25		1 per 35		—	1 per 100	—
			Visitors, other than residential care	1 per 75		1 per 100		—	1 per 500	—
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100	1 service sink
		I-3	Reformatories, detention centers and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100	1 service sink

			Employees ^a	1 per 25	1 per 35	—	1 per 100	1 service sink
		I-4	Adult day care and child care	1 per 15	1 per 15	—	1 per 100	1 service sink
5	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	—	1 per 1,000	1 service sink
6	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	—	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding house (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
7	Residential	R-3	One- and two-family dwellings	1 per dwelling unit	1 per 10	1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-3	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-4	Residential care/assisted living facilities	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100	1 per 100	See Section 411 of the International Plumbing Code	1 per 1,000	1 service sink
---	---------	------------	--	-----------	-----------	--	-------------	----------------

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.

b. Toilet facilities for employees shall be separate from facilities for inmates or patients.

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

e. The minimum number of required drinking fountains shall comply with Table 2902.1 and Chapter 11.

f. Drinking fountains are not required for an occupant load of ~~15~~ 30 or fewer.

g. For business and mercantile occupancies with an occupant load of ~~15~~ 30 or fewer, service sinks shall not be required.

h. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies.

Section 3102.7 Engineering design

Amend Section 3102.7 to read as follows:

3102.7 Engineering design. The structure shall be designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow, flood and seismic loads and in accordance with Chapter 16.

Exception: Membrane structures intended to be in place for 30 days or less may be engineered to risk category I loads provided the installation and use are per the manufacturer's recommendations.

Section I105.2 Footings

Amend Section I105.2 to read as follows:

I105.2 Footings. ~~In areas with a frost depth of zero, a~~ An unenclosed patio cover that projects 14 feet or less from the main structure shall be permitted to be supported on a concrete slab on grade without footing, provided that the slab conforms to the provisions of Chapter 19 of this code and is not less than

3½ inches (89 mm) thick, and the columns do not support loads in excess of 750 pounds (3.36 kN) per column.

Amendments to the 2018 Edition of the International Existing Building Code

Section 301.6 Baby changing tables

Amend Section 301 by adding Section 301.6 to read as follows:

301.6 Baby Changing Tables. Diaper changing tables are required to be installed in both male, female and other restrooms, in permanent buildings that contain public restrooms as defined in chapter 29 of the 2018 IBC. Changing tables are required when any of the following occur: new buildings, tenant improvements, new restrooms, alteration of existing restrooms, new additions, change of uses that require updating existing restrooms with additions to those facilities. Shall meet the guidelines of 603.5, 309 and 902 of ANSI/ICC A117.1-2009.

Exceptions: A building or facility that does not have public restrooms or has been issued a permit or license which restricts the admission of children on the basis of age, shall be exempt from this requirement.

Section 902.1 High-rise buildings

Amend Section 902.1 to read as follows:

902.1 High-rise buildings. Any building having occupied floors more than ~~75~~ 55 feet (~~22 860~~ 16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of Sections 902.1.1 and 902.1.2.

Amendments to the 2018 Edition of the International Energy Conservation Code

COMMERCIAL PROVISIONS

Section C102.1.1 Above code program

Amend Section C102.1.1 to read as follows:

C102.1.1 Above code programs. The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Programs seeking approval must submit all requested supporting documentation, including program guidelines, protocols, calculations and program simulation performance software, if applicable, to the NNICC and/or jurisdiction for review for use as acceptable software. Buildings approved in writing by such an energy efficiency shall be considered to be in compliance with this code. The requirements identified as “mandatory” in Chapter 4 shall be met.

Section C201.3 Terms defined in other codes

Amend Section C201.3 to read as follows:

C201.3 Terms defined in other codes. Terms that are defined in this code but are defined in the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Mechanical Code, International Plumbing Code, Uniform Plumbing Code, or the International Residential Code shall have the meanings ascribed to them in those codes.

Section C202 General Definitions

Amend Section C202 by adding the following definitions to read as follows:

C202 General Definitions

CASINO. A structure that houses a business with a Non-Restricted Gaming License from the Nevada Gaming Commission and State Gaming Control Board. It includes the gaming area(s) as well as the adjacent area(s) within the building envelope.

CASINO GAMING AREA. The space within a *casino* wherein gaming is conducted. The gaming area shall also include accessory uses within the same room(s) as, or substantially open to the gaming floor(s). Such areas shall include, but not be limited to lobbies, balconies, public circulation areas, assembly areas, restaurants, bars, lounges, food courts, retail spaces, mezzanines, convention pre-function areas, cashiers' cages, players' clubs, customer support, conservatories and promenades that share the same atmosphere, spillover lighting and theme lighting with the adjacent gaming floor area.

For accessory areas situated on the perimeter of the gaming floor to be considered substantially open, the walls(s) or partitions(s) separating an accessory space from the gaming area must be a minimum of 50% open, as measured from the interior side of the accessory space, with no doors, windows and other obstructions, other than roll up security grills, installed within the opening.

Section C402.5.3 Rooms containing fuel-burning appliances

Amend Section C402.5.3 to read as follows:

C402.5.3 Rooms containing fuel-burning appliances. In Climate Zones 3 through 8, where combustion air is supplied through openings in an exterior wall to a room or space containing a space-conditioning fuel-burning appliance, one of the following shall apply:

1. The room or space containing the appliance shall be located outside of the building thermal envelope.
2. The room or space containing the appliance shall be enclosed and isolated from conditioned spaces inside of the building thermal envelope. Such rooms shall comply with all of the following:
 - 2.1. The walls, floors and ceilings that separate the enclosed room or space from conditioned spaces shall be insulated to be not less than equivalent to the insulation requirement of below-grade walls as specified in Table C402.1.3 or C402.1.4.

- 2.2. The walls, floors and ceilings that separate the enclosed room or space from conditioned spaces shall be sealed in accordance with Section C402.5.1.1.
- 2.3. The doors into the enclosed room or space shall be fully gasketed.
- 2.4. Water lines and ducts in the enclosed room or space shall be insulated in accordance with Section 403.
- 2.5. Where an air duct supplying combustion air to the enclosed room or space passes through conditioned space, the duct shall be insulated to an R-value not less than R-8.

Exception: Fireplaces and stoves complying with Sections 901 through 905 of the International Mechanical Code, Section 911, 912, 913 of the Uniform Mechanical Code, and Section 2111.14 of the International Building Code.

Section 402.5.9 Air curtains

Amend Section 402.5 by adding 402.5.9 to read as follows:

C402.5.9 Air curtains. Where doorway, passageway or pass-thru openings in the building thermal envelope area intended to be normally opened to the exterior environment, an approved air curtain tested in accordance with ANSI/AMCA 220 shall be used to separate conditioned air from the exterior.

Section 403.2.2 Ventilation (Mandatory)

Amend Section C403.2.2 Ventilation (Mandatory) to read as follows:

C403.2.2 Ventilation (Mandatory). Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the *International Mechanical Code* and Uniform Mechanical Code. Where mechanical ventilation is provided, the system shall provide the capability to reduce the outdoor air supply to the minimum required by Chapter 4 of the *International Mechanical Code* and Uniform Mechanical Code.

Section C403.6.1 Variable air volume and multiple-zone systems

Amend Section C403.6.1 to read as follows:

C403.6.1 Variable air volume and multiple-zone systems. Supply air systems serving multiple zones shall be variable air volume (VAV) systems that have zone controls configured to reduce the volume of air that is reheated, re-cooled or mixed in each zone to one of the following:

1. Twenty percent of the zone design peak supply for systems with DDC and 30 percent for other systems.
2. Systems with DDC where all of the following apply:
3. The outdoor airflow rate required to meet the minimum ventilation requirements of Chapter 4 of the *International Mechanical Code* and Uniform Mechanical Code.

4. Any higher rate that can be demonstrated to reduce overall system annual energy use by offsetting reheat/re-cool energy losses through reduction in outdoor air intake for the system as approved by the code official.
5. The airflow rate required to comply with applicable codes or accreditation standards such as pressure relationships or minimum air change rates.

Exception: The following individual zones or entire air distribution systems are exempted are from the requirement for VAV control:

1. Zones or supply air systems where not less than 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered, including condenser heat, or site-solar energy source.
2. Systems that prevent reheating, re-cooling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

Section C403.6.6 Multiple-zone VAV system ventilation optimization control

Amend Section C403.6.6 to read as follows:

C403.6.6 Multiple-zone VAV system ventilation optimization control. Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency (E_v) as defined by the *International Mechanical Code* and *Uniform Mechanical Code*.

Exception:

1. VAV systems with zonal transfer fans that recirculate air from other zones without directly mixing it with outdoor air, dual-duct dual-fan VAV systems, and VAV systems with fan-powered terminal units.
2. Systems where total design exhaust airflow is more than 70 percent of the total design outdoor air intake flow requirements.

Section 403.7.1 Demand control ventilation (Mandatory)

Amend Section C403.7.1 to read as follows:

C403.7.1 Demand control ventilation (Mandatory). Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (46.5m^2) and with an average occupant load of 25 people or greater per 1,000 square feet (93m^2) of floor area, as established in Table 403.3.1.1 of the *International Mechanical Code* and Table 402.1 *Uniform Mechanical Code*, and served by systems with one or more of the following:

1. An air-sided economizer.
2. Automatic modulating control of the outdoor air damper.

3. A design outdoor airflow greater than 3,000 cfm (1416 L/s).

Exceptions:

1. Systems with energy recovery complying with Section C403.7.4.
2. Multiple-zone systems without direct digital control of individual zones communicating with a central control panel.
3. Systems with a design outdoor airflow less than 1,200 cfm (566 L/s).
4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirements is less than 1,200 cfm (566 L/s).
5. Ventilation provided only for process loads.

Section C403.7.2 Enclosed parking garage ventilation controls (Mandatory)

Amend Section C403.7.2 to read as follows:

C403.7.2 Enclosed parking garage ventilation controls (Mandatory). Enclosed parking garages used for sorting or handling automobiles operating under their own power shall employ contamination-sensing devices and automatic controls configured to stage fans or modulate fan average airflow rates to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with *International Mechanical Code* and *Uniform Mechanical Code* provisions. Failure of contamination-sensing devices shall cause the exhaust fans to operate continuously at design airflow.

Exceptions:

1. Garages with a total exhaust capacity less than 22,500 cfm (10 620 L/s) with ventilation systems that do not utilize heating or mechanical cooling.
2. Garages that have a garage area to ventilation system motor nameplate power ratio that exceeds 1125 cfm/hp (710 L/kW) and do not utilize heating or mechanical cooling.

Section C403.7.4 Energy recovery ventilation systems (Mandatory)

Amend Section C403.7.4 to read as follows

C403.7.4 Energy recovery ventilation systems (Mandatory). Where the supply airflow rate of a fan system exceeds the values specified in Tables C403.7.4(1) and C403.7.4(2), the system shall include an energy recovery system. The energy recovery system shall be configured to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery system shall include a bypass or controls that permit operation of the economizer as required by Section C403.5.

Exception: An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are prohibited by the *International Mechanical Code* and *Uniform Mechanical Code*.
2. Laboratory fume hood systems that include not fewer than one of the following features:
 - 2.1. Variable-air-volume hood exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design value.
 - 2.2. Direct makeup (auxiliary) air supply equal to or greater than 75 percent of the exhaust rate, heated not warmer than 2°F (1.1°C) below room setpoint, with no humidification added, and no simultaneous heating and cooling used for dehumidification control.
3. Systems serving spaces that are heated to less than 60°F (15.5 °C) and that are not cooled.
4. Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site-solar energy.
5. Heating energy recovery in Climate Zones 1 and 2.
6. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7, and *.
7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
8. Where the largest source of air exhausted at a single location at the building exterior is less than 75 percent of the design outdoor air flow rate.
9. Systems expected to operate less than 20 hours per week at an outdoor percentage covered by Table C403.7.4(1).
10. Systems exhausting toxic, flammable, paint or corrosive fumes or ducts.
11. Commercial kitchen hoods used for collecting and removing grease vapors and smoke.

Section C403.7.7 Shutoff dampers (Mandatory)

Amend Section C403.7.7 to read as follows:

C403.7.7 Shutoff dampers (Mandatory). Outdoor air intake and exhaust openings and stairway and shafts vents shall be provided with Class I motorized dampers. The dampers shall have an air leakage rate not greater than 4 cfm/ft²

(20.3 L/s * m²) of damper surface area at 1.0inch water gauge (249 Pa) and shall be labeled by an approved agency when tested in accordance with AMCA 500D for such purpose.

Outdoor air intake and exhaust dampers shall be installed in automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the *International Mechanical Code* and *Uniform Mechanical Code*, or the dampers are opened to provide intentional economizer cooling.

Stairway and shaft vent dampers shall be installed with automatic controls configured to open upon the activation of any fire alarm initiating device of the building's fire alarm system or the interruption of power to the damper.

Exception: Nonmotorized gravity dampers shall be an alternative to motorized dampers for exhaust and relief openings as follows:

1. In buildings less than three stories in height above grade plane.
2. In buildings of any height located in Climate Zones 1, 2 or 3.
3. Where the design exhaust capacity is not greater than 300 cfm (142 L/s).

Nonmotorized gravity dampers shall have an air leakage rate not greater than 20 cfm/ft² (101 L/s*m²) where not less than 24 inches (610 mm) in either dimension and 40 cfm/ft² (203.2 L/s*m²) where less than 24 inches (610 mm) in either dimension. The rate of air leakage shall be determined at 1.0 inch water gauge (249 Pa) when tested in accordance with AMCA 500D for such purpose. The dampers shall be labeled by an approved agency.

Section C403.11.1 Duct and plenum insulation and sealing (Mandatory)

Amend Section C403.11.1 to read as follows:

C403.11.1 Duct and plenum insulation and sealing (Mandatory). Supply and return air ducts and plenums shall be insulated with not less than R-6 insulation where located in unconditioned spaces and where located outside of the building with not less than R-8 insulation in Climate Zones 1 through 4 and not less than R-12 insulation in Climate Zones 5 through 8. Where located within a building envelope assembly, the duct or plenum shall be separated from the building exterior or unconditioned or exempt spaces by not less than R-8 insulation in Climate Zones 1 through 4 and not less than R-12 insulation in Climate Zones 5 through 8

Exceptions:

1. Where located within equipment.
2. Where the design temperature difference between the interior and exterior of the duct or plenum is not greater than 15°F (8°C).

Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code* and Section 603.10, 603.11 of the *Uniform Mechanical Code*.

Section C403.11.2.1 Low-pressure duct systems (Mandatory)

Amend Section C403.11.2.1 to read as follows:

C403.11.2.1 Low-pressure duct systems (Mandatory). Longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (498 Pa) shall be securely fastened and sealed with welds, gaskets, mastics, (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code* and *Uniform Mechanical Code*.

Exception: Locking-type longitudinal joints and seams, other than the snap-lock and button-lock types, need not be sealed as specified in this section.

Section C403.11.2.2 Medium-pressure duct systems (Mandatory)

Amend Section C403.11.2.2 to read as follows:

C403.11.2.2 Medium-pressure duct systems (Mandatory). Ducts and plenums designed to operate at a static pressure greater than 2 inches water gauge (w.g.) (498 Pa) but less than 3 inches w.g. (747 Pa) shall be insulated and sealed in accordance with Section C403.11.1. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code* and *Uniform Mechanical Code*.

Section C406.6 Dedicated outdoor air systems

Amend Section C406.6 to read as follows:

C406.6 Dedicated outdoor air system. Buildings containing equipment or systems regulated by Section C403.3.4, C403.4.3, C403.4.4, C403.4.5, C403.6, C403.8.4, C403.8.5, C403.8.5.1, C403.9.1, C403.9.2, C403.9.3, C403.9.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100-percent outdoor air to each individual occupied space, as specified by the *International Mechanical Code* and *Uniform Mechanical Code*.

Section C501.4 Compliance

Amend Section C501.4 to read as follows:

C501.4 Compliance. *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing *buildings* and structures shall comply with the provisions for *alterations, repairs, additions* and changes of occupancy or relocation, respectively, in this code and in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *Uniform Mechanical Code*, *International Plumbing Code*, *Uniform Plumbing Code*, *International Property Maintenance Code*, *International Private Sewage Disposal Code* and NFPA 70.

Chapter 6 Referencing Standards

Amend Chapter 6 by adding the following to read as follows:

AMCA

205-12: Energy Efficiency Classification for Fans C403.8.3

220-08(R2012): laboratory Methods for Testing Air Curtain Units for Aerodynamic Performance Rating
~~C402.5.6~~ C402.5.7

500D-12: Laboratory Methods for Testing Dampers for Rating C403.7.7

IAPMO

UMC-18: Uniform Mechanical Code C201.3, C403.2.2, C403.6, C406.6.6, C403.7.1, C403.7.2, C403.7.4, C403.7.5, C403.7.7, C403.11.1, C403.11.2.1, C403.11.2.2, C406.6, C501.4

UPC-18: Uniform Plumbing Code C201.3, C501.4

ICC

IBC-18: International Building Code C201.3, C303.1.1, C303.2, C402.5.3, C402.5.4, C501.4,

IFC-18: International Fire Code C201.3, C501.4

IFGC-18: International Fuel Gas Code C201.3, C501.4

RESIDENTIAL PROVISIONS

Section R102.1.1 Above code programs

Amend R102.1.1 to read as follows:

R102.1.1 Above code programs. The *code official* or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Programs seeking approval must submit all requested supporting documentation, including program guidelines, protocols, calculations and program simulation performance software, if applicable, to the NNICC and/or jurisdictions for review for use as acceptable software. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as “mandatory” in Chapter 4 shall be met.

Section R401.3 Certificate (Mandatory)

Amend Section R401.3 to read as follows:

R401.3 Certificate (Mandatory). ~~A permanent~~ The Builder shall provide a final certificate to the owner. ~~a certificate shall be completed by the builder or other approved party and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels.~~ The certificate shall indicate the predominant R-values of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, *basement walls*, crawl space walls and floors and ducts outside *conditioned spaces*; U-factors of fenestration and ~~the solar heat gain coefficient (SHGC) of fenestration, and~~ the results from any required duct system and *building* envelope air leakage testing performed on the *building*. Where there is more than one value for each component, the certificate shall indicate the value covering the largest area. The certificate shall indicate the types and efficiencies of heating, cooling and service water heating equipment. ~~Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate “gas-fired unvented room heater,~~

~~electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be indicated for gas-fired unvented room heaters, electric furnaces and electric baseboard heaters.~~

Section R402.4.1.2 Testing

Amend Section R402.4.1.2 to read as follows:

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour, ~~in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8.~~ Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascal's). Where required by the *Code Official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *Code Official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of testing, shall be fully open.
6. Supply and return registers, where installed at the time of the test, shall be fully open.

Section R403.3.4 Duct leakage (prescriptive)

Amend section R403.3.2 to read as follows:

R403.3.4 Duct Leakage (prescriptive). The total leakage of the ducts, where measured in accordance with Section R403.3.4, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditional floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.
2. Postconstruction test: Total leakage shall be less than or equal to ~~4 cubic feet per minute (113.3 L/min)~~ 5 cubic feet per minute (cfm) (141.6 L/min) or total leakage to outside shall be less than or equal to 3.5 cfm (99.1 L/min) 100 square feet (9.29 m²) of conditioned floor area.

Section R403.6 Mechanical ventilation (Mandatory)

Amend Section R403.6 to read as follows:

R403.6 Mechanical ventilation (Mandatory). The building shall be provided with ventilation that complies with the requirements of the *International Residential Code* or *International Mechanical Code*, as applicable, or with other *approved* means of ventilation. The mechanical system shall have a readily accessible on-off control switch allowing control of the mechanical system. Utilization of outside air temperature sensors, carbon dioxide sensors, humidity sensors or similar intermittent controls to activate the outside air mechanical equipment is permitted. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

Amendments to the 2018 Edition of the International Fuel Gas Code

Section 301.1.2 LP-Gas Installations

Add new subsection 301.1.2 to section 301.1:

301.1.2 LP-Gas Installations. Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shall govern.

Section 301.16 Snow Hazard

Add new section 301.16 to 301:

301.16 Snow hazard. Protection of utilities shall be per requirements of the local utility.

Section 406.4.1 Test Pressure

Amend section 406.4.1 to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 1-1/2 times the proposed maximum working pressure, but not less than ~~3~~ 25 psig (20 172.4 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe. This test shall be made before any fixtures, appliances or shut-off valves have been attached and before being concealed.

Section 406.4.2 Test Duration

Amend section 406.4.2 to read as follows:

406.4.2 Test duration. Test duration shall be not less than 30 minutes. ~~1/2 hour for each 500 cubic feet (14 m3) of pipe volume or fraction thereof~~ When testing a system having a volume less than 10 cubic

~~feet (0.28 m³) or a system in a single family dwelling, the test duration shall be not less than 10 minutes. The duration of the test shall not be required to exceed 24 hours.~~

Section 406.6.2 Before Turning Gas On

Amend Section 406.6.2 to read as follows and add new subsections 405.6.2.1 thru 405.6.2.3:

406.6.2 Before turning gas on. During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that all valves at unused outlets are closed and plugged or capped. In the City of Fernley, City of Reno, City of Sparks, Storey County and Washoe County, a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes, with no perceptible drop in pressure.

405.6.2.1 For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

406.2.2 For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

406.2.3 Manometer testing. Manometer testing shall be performed by a person holding a valid Washoe County manometer tester card for which the number is to be provided at the time of request for inspection. A visual manometer test to be witnessed by the authority having jurisdiction may be allowed by the Building Official. A manometer test does not need to be reported when the serving gas utility performs a manometer or clock test prior to providing service.

Amendments to the 2018 Edition of the International Mechanical Code

Section 401.2 Ventilation Required

Amend Section 401.2 to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. ~~Where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.~~

Section 505.4 Makeup Air Required

Amend Section 505.2 to read as follows:

505.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of ~~400~~ 600 cfm (~~0.19~~ 0.28 m³/s) shall be provided with *makeup air* at a rate approximately equal to the *exhaust air* rate. Such *makeup air* systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Section 508.1.3 Evaporative Cooling Systems Used as Makeup Air

Add new subsection 508.1.3 to 508.1:

508.1 Makeup air. *Makeup air* shall be supplied during the operation of commercial kitchen exhaust systems that are provided for *commercial cooking appliances*. The amount of *makeup air* supplied to the building from all sources shall be approximately equal to the amount of *exhaust air* for all exhaust systems for the building. The *makeup air* shall not reduce the effectiveness of the exhaust system. *Makeup air* shall be provided by gravity or mechanical means or both. Mechanical *makeup air* systems shall be automatically controlled to start and operate simultaneously with the exhaust system. *Makeup air* intake opening locations shall comply with Section 401.4.

508.1.1 Makeup air temperature. The temperature differential between *makeup air* and the air in the conditioned space shall not exceed 10°F (6°C) except where the added heating and cooling loads of the *makeup air* do not exceed the capacity of the HVAC system.

508.1.2 Air balance. Design plans for a facility with a commercial kitchen ventilation system shall include a schedule or diagram indicating the design outdoor air balance. The design outdoor air balance shall indicate all exhaust and replacement air for the facility, plus the net exfiltration if applicable. The total replacement air airflow rate shall equal the total exhaust airflow rate plus the net exfiltration.

508.1.3 Evaporative Cooling Systems Used as Makeup Air. Evaporative coolers shall not be used for make-up air units on commercial kitchen hoods and kitchen ventilation systems.

Exception: Evaporative cooling systems that are a listed assembly with tempered air for kitchen make-up air systems.

Section 603.2 Duct Sizing

Amend Section 603.2 to read as follows:

603.2 Duct sizing. Ducts installed within a single *dwelling unit* shall be sized in accordance with ACCA Manual ~~D~~ S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculations methodologies or other *approved* methods. Ducts installed within all other buildings shall be sized in accordance with the ASHRAE *Handbook of Fundamentals* or other equivalent computation procedure.

Amendments to the 2018 Edition of the International Residential Code

R202 Definitions

Amend Section R202 adding the following definitions, to read as:

Section R202 Definitions.

International Electrical Code. The Electrical Code, whether the National Electrical Code or the International Electrical Code, as amended and adopted by the local jurisdiction.

International Mechanical Code. The Mechanical Code, whether the Uniform Mechanical Code or the International Mechanical Code as amended and adopted by the local jurisdiction.

International Plumbing Code. The Plumbing Code, whether the Uniform Plumbing Code or the International Plumbing Code, as amended and adopted by the local jurisdiction.

International Fuel Gas Code. The Fuel Gas Code, whether NFPA 54 or the International Fuel Gas Code, as amended and adopted by the local jurisdiction.

Surcharge. A vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples include:

- Sloped retained soil.
- Structure footings supported by the retained soil.
- Adjacent vehicle loads supported by the retained soil.

Table R301.2 (1) Climatic and Geographic Design Criteria

Amend Table R301.2 (1) to read as follows:

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA												
GROUND SNOW LOAD ^a	WIND DESIGN				SEISMIC DESIGN CATEGORY ^b	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^c	ICE BARRIERS UNDERLAYMENT REQUIRED ^d	FLOOD HAZARDS ^e	AIR FREEZING INDEX
Speed ^f (mph)	Topographic effects ^g	Special wind region ^h	Windborne debris zone ⁱ		Weathering ^j	Frost line depth ^k	Termite ^l					MEAN ANNUAL TEMP ^m
SEE IRC TABLE 1008.2.1	SEE APPENDIX	NO	YES	NO	SEE APPENDIX	SEVERE	SEE APPENDIX	MODERATE TO HEAVY	SEE APPENDIX	SEE APPENDIX	SEE APPENDIX	SEE APPENDIX

MANUAL J DESIGN CRITERIA

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible", "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)".
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any special requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- ~~n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the Jurisdiction.~~
- o. The jurisdiction shall fill in this section using the Ground Snow Loads in Figure R301.2(6).

R313.1 Townhouse automatic fire sprinkler systems

Amend Section R313.1 to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required when *additions or alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.
2. An automatic residential fire sprinkler system shall not be required in *townhouses* less than 5,000 sq. ft. of living space unless the AHJ has amended the International Fire Code to include provisions pertaining to townhouses in accordance with NRS 278.586.

R313.2 One- and two-family dwellings automatic fire sprinkler systems

Amend Section R313.2 to read as follows:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required when *additions or alterations* are made to existing building that do not have an automatic residential fire sprinkler system installed.
2. An automatic residential fire sprinkler system shall not be required in one- and two-family *dwellings* less than 5,000 sq. ft. of living space unless the AHJ has amended the International Fire Code to include provisions pertaining to one- and two- family dwellings in accordance with NRS 278.586.

N1102.4.1.2 (R402.4.1.2) Testing

Amend Section N1102.4.1.2 (R402.4.1.2) to read as follows:

N1102.4.1.2 (R402.4.1.2) Testing. The *building* or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour ~~in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8.~~ Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *Code Official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *Code Official*.

Testing shall be performed at any time after the creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, where installed at the time of the test, shall be open.

4. Exterior or interior terminations for continuous ventilation systems shall be sealed.
5. Heating and cooling systems, where installed at the time of the test, shall be turned off.

M1503.6 Makeup air required

*Amend Section **M1503.6** to read as follows:*

M1503.6 Makeup air required. Exhaust hood systems capable of exhaust in excess of ~~400~~ 600 cubic feet per minute (~~0.19~~ 0.28 m³/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open.

G2404.1.1 (301.1.2) LP-Gas installations

*Add Section **G2404.1.1(301.1.2)** to Section **G2404.1 (303.1) Scope**, to read as follows:*

G2404.1 (301.1) Scope. This section shall govern the approval and installation of all equipment and appliances that comprise parts of the installations regulated by this code in accordance with Section G2401.

G2404.1.1 (301.1.2) LP-Gas Installations. Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP-Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shall govern.

G2404.12 (301.17) Snow hazard

*Add Section **2404.12 (301.17)** to Section **G2404 (301) General**, to read as:*

G2404.12 (301.17) Snow hazard. On any new gas installation or reconnecting the gas service of an existing installation, gas meters above 5,800 feet in elevation in Carson City, Storey County and Washoe County must be protected from falling, sliding and accumulating of snow, unless the gas meter is installed in a protected location such as under an engineered deck, roof or shed. Engineered decks, roofs, or sheds shall be enclosed on all sides when used to protect gas meters on the snow shedding sides of a structure as approved by the gas utility.

G2417.4.1 (406.4.1) Test pressure

Amend Section G2417.4.1 (406.4.1) to read:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be no less than 1-1/2 times the proposed maximum working pressure, but not less than ~~3~~ 25 psig (~~20~~ 172.4 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe. This test shall be made before any fixtures, appliances or shut-off valves have been attached and before being concealed.

G2417.4.2 (406.4.2) Test duration

Amend Section G2417.2 (406.4.2) to read:

G2417.4.2 (406.4.2 Test duration). Test duration shall be not less than ~~10 minutes~~ 30 minutes.

G2417.6.2 (406.6.2) Before turning gas on

Amend Section G2417.6.2 (406.6.2) to read:

G2417.6.2 (406.6.2) Before turning gas on. During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that all valves at unused outlets are closed and plugged or capped. In the City of Fernley, City of Reno, City of Sparks, Storey County and Washoe County, a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes, with no perceptible drop in pressure.

G2417.6.2.1 (406.6.2.1) For medium pressure gas systems

Add Section G2417.6.2.1 (406.6.2.1) to Section G2417.6.2 (406.6.2) Before turning gas on, to read as:

G2417.6.2.1 (406.6.2.1) For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

G2417.6.2.2 (406.2.2) For appliances or equipment requiring pounds of gas pressure.

Add Section G2417.6.2.2 (406.6.2.2) to Section G2416.6.2 (406.6.2) Before turning gas on, to read:

G2417.6.2.2 (406.2.2) For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

G2417.6.2.3 (406.2.3) Manometer testing

Add Section G2417.6.2.3 (406.2.3) to Section G2416.6.2 (406.6.2) Before turning gas on, to read:

G2417.6.2.3 (406.2.3) Manometer testing. Manometer testing shall be performed by a person holding a valid Washoe County manometer tester card for which the number is to be provided at the time of request for inspection. A visual manometer test to be witnessed by the authority having jurisdiction may be allowed by the Building Official. A manometer test does not need to be reported when the serving gas utility performs a manometer or clock test prior to providing service.

P2503.5.1 Rough plumbing

Amend Section P2503.5.1 to read:

P2503.5.1 Rough plumbing. DWV systems shall be tested on completion of the rough piping installation by water ~~or for piping systems other than plastic~~, by air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 10 feet (1524 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

P2603.5.1 Sewer depth

Amend Section P2603.5.1 to read:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a not less than **twelve (12)** inches (305 mm) below finished *grade* at the point of septic tank connection. Building sewers shall be not less than **twelve (12)** inches (305 mm) below *grade*.

P3002.2.2 Building sewer

Add Section P3002.2.2 to Section P3002.2 Building sewer, to read:

P3002.2.2 Building sewer. In no event shall building sewer be less than four (4) inches in diameter.

E3601.6.2 Service disconnect location

Amend Section E3601.6.2 to read as:

E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure inside nearest the point of entrance of the service conductors. ~~Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.~~ The disconnecting means may be located independent of the building or structure served, in direct line of sight, but not to exceed thirty (30) feet.

Exception: The service disconnecting means may be installed within a building when an external remote shunt trip switch is provided. All shunt trip switches shall be located at seven feet (7') above finish grade at a location approved by the fire department. All shunt trip switches shall be located within twelve inches (12") equilateral triangle, red in color.

E3705.6.1 Edison fuses

Add Section E3705.6.1 to Section E3705.6 Fuses and fixed trip circuit breakers, to read:

E3705.6.1 Edison Fuses. Plug fuses of the Edison-based shall be used only for replacement in existing installations where there is no evidence of overfusing or tampering. In any existing building where alterations or additions are made to any of the premises wiring, all fuse holders shall be made to comply with the requirements for a Type S fuse holder through the installation of a tamper proof (rejection type) base.

E3901.2.2 Wall space

Section E3901.2.2 is amended to read:

E3901.2.2 Wall Space.

- (1) Any space 2 ft. (610mm) or more in width, including space measured around corners, and that is unbroken along the floor line by doorways and similar opening, fireplaces, and fixed cabinets that do not have countertops or similar work surfaces.
- (2) The space occupied by fixed panels in exterior walls, excluding sliding panels.
- (3) The space created by fixed room dividers such as railings and freestanding bar-type counters.

Exception No. 1: The space behind operable doors.

Exception No. 2: Vestibules, hallways, and similar areas less than 5 ft wide in bedrooms.

E3902.2 Garage and accessory building receptacles

Amend Section E3902.2 to read:

Section E3902.2 Garage and accessory building receptacles. 125-volt, single-phase, 15 or 20 ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protections for personnel. [210.8(A)(2)]

Exception: Single receptacle for a fixed in place heating appliance only (example: fuel-fired FAU, heat pump or water heater) when located within an attached garage.

E3902.17 Arc-fault circuit-interrupter protection for branch circuit extensions or modifications

Section E3902.17 is deleted:

~~**E3902.17 Arc-fault circuit interrupter protection for branch circuit extensions or modifications.** Where branch circuit wiring is modified, replaced or extended in any of the areas specified in Section E3902.12, the branch circuit shall be protected by one of the following:~~

- ~~1. A combination type AFCI located at the origin of the branch circuit.~~
- ~~2. An outlet branch circuit type AFCI located at the first receptacle out of the existing branch circuit.~~

~~**Exception:** AFCI protection shall not be required where the extension of the existing conductors is not more than 6 feet (1.8 m) in length and does not include any additional outlets or devices. [201.12(B) Exception]~~

AH105.2 Footings

Amend Section AH105.2 to read:

AH105.2 Footings. ~~In areas with a frost depth of zero as specified in Table R301.2(1),~~ For patio covers supported on a concrete slab-on-grade without footings, the slab shall conform to the provisions of Section R506, shall be not less than 3.5 inches (89 mm) thick and the columns shall not support live or dead loads in excess of 750 pounds (3.34 kN) per column.

Amendments to the 2017 Edition of the National Electrical Code

210.52(A)(2) Wall Spacing

*Amend Section 210.52(A)(2) of Section **210.52(A) General Provisions** to read as follows:*

210.52(A)(2) Wall Spacing. As used in this section, a wall space shall include any of the following:

- (1) Any space 600 mm (2 ft) or more in width (including space measured around corners) and unbroken along the floor line by doorways and similar openings, fireplaces, and fixed cabinets that do not have countertops or similar work surfaces.
- (2) The space occupied by fixed panels in walls, excluding sliding panels.
- (3) The space afforded by fixed room dividers, such as free-standing bar-type counters or railings.

Exception No. 1: The space behind operable doors.

Exception No. 2: Vestibules, hallways, and similar areas less than 5 ft wide in bedrooms.

225.32 Locations

Amend Section 225.32 to read as follows:

225.32 Location. The disconnecting means shall be installed ~~either inside or~~ attached to the outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means shall be at a readily accessible location nearest the point of entrance of the conductors. For the purposes of this section, the requirements in 203.6 shall be utilized.

Exception 1: For installations under single management, where documented safe switching procedures are established and maintained for disconnection, and where the installation is monitored by qualified individuals, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception 2: For buildings or other structures qualifying under the provisions of Article 685, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception 3: For towers or poles used as lighting standards, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception 4: For poles or similar structures used only for support of signs installed in accordance with Article 600, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception No. 5: The disconnecting means shall be located independent of the building or structure served, in direct line of sight, but not to exceed thirty feet (30').

Exception No. 6: The service disconnecting means may be installed within a building when an external remote shunt switch is provided. All shunt trip switches shall be located at seven feet (7') above finish

grade at a location approved by the fire department. All shunt trip switches shall be located within a twelve inch (12") equilateral triangle, red in color.

230.70(A)(1) Readily Accessible Location

*Amend Section 230.70(A)(1) of Section **230.70 General** to read as follows:*

230.70 (A)(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure ~~or inside~~ nearest the point of entrance of the service conductors. The disconnecting means may be located independent of the building or structure served, in direct line of sight, but not to exceed thirty feet (30').

Exception: The service disconnecting means may be installed within a building when an external remote shunt switch is provided. All shunt trip switches shall be located at seven feet (7') above finish grade at a location approved by the fire department. All shunt trip switches shall be located within a twelve inch (12") equilateral triangle, red in color.

240.51(B) Replacement Only

*Amend Section 240.51(B) of Section **240.51 Edison-Base Fuses** to read:*

240.51(B) Replacement Only. Plug fuses of the Edison-base type shall be used only for replacements in existing installations where there is no evidence of overfusing or tampering. In any existing building where alterations or additions are made to any of the premises wiring, all fuse holders shall comply with Article 240.54.

250.118(4) Types of Equipment Grounding Conductors

Amend Section 250.118(4) of Section 250.118 Types of Equipment Grounding Conductors to read as follows:

250.118 Types of Equipment Grounding Conductors

(4) Electrical metallic tubing with the exception of where the metallic raceway is subject to either damage or likely to be disturbed in the future under normal operating conditions, this determination shall be made by the Authority Having Jurisdiction.

FPN: An example of "subject to damage" is a surface installed conduit running along a traffic path. An example of "likely to be disturbed" is a surface installed conduit running across a rooftop, where future re-roofing operations will require the conduit to be shifted, damaged, removed or relocated.

250.120 Equipment Grounding Conductor Installation

Amend Section 250.120 to read as follows:

250.120 Equipment Grounding Conductor Installation. ~~An equipment grounding conductor shall be installed in accordance with 250.120(A), (B), and (C).~~ All raceways installed on roofs shall contain an equipment grounding conductor sized per Table 250.122 installed with the circuit conductors.

Exception: Low voltage, communication and similar type systems unless required elsewhere in the Code.

314.17(C) Nonmetallic Boxes and Conduit Bodies

*Amend Section 314.17(C) of Section **314.17 Conductors entering Boxes, Conduit Bodies, or Fittings** to read as follows:*

314.17(C) Nonmetallic Boxes and Conduit Bodies. Nonmetallic boxes and conduit bodies shall be suitable for the lowest temperature-rated conductor entering the box. Where nonmetallic boxes and conduit bodies are used with messenger-supported wiring, open wiring on insulators, or concealed knob-and-tube wiring, the conductors shall enter the box through individual holes. Where flexible tubing is used to enclose the conductors, the tubing shall extend from the last insulating support to not less than 6 mm (1/4 in.) inside the box and beyond any cable clamp. Where non-metallic sheathed cable or multiconductor Type UF cable is used, the sheath shall extend not less than 6 mm (1/4 in.) inside the box and beyond any cable clamp. In all instances, all permitted wiring methods shall be secured to the boxes.

Exception: where non-metallic sheathed cable or multiconductor Type UF cable is used with ~~single gang~~ boxes ~~not larger than a nominal size 57 mm x 100 mm (2 1/4 in. x 4 in.)~~ mounted in walls or ceilings, and where the cable is fastened within 200 mm (8 in.) of the box measured along the sheath and where the sheath extends through a cable knockout not less than 6 mm (1/4 in.), securing the cable to the box shall not be required. Multiple cable entries shall be permitted in a single cable knockout opening.

358.12 Uses Not Permitted

Amend Section 358.12 to read as follows:

358.12 Uses Not Permitted. EMT shall not be used under the following conditions:

- (1) Where subject to severe physical damage.
- (2) For the support of luminaires or other equipment except conduit bodies no larger than the largest trade size of the tubing.
- (3) In direct contact with earth.

700.10(D) Fire Protection

Amend Section 700.10(D) of Section 700.10 Wiring, Emergency System to read as follows:

700.10(D) Fire Protection. Emergency systems shall meet the additional requirements in (D)(1) through (D)(3) in the following occupancies:

- (1) Assembly occupancies for not less than 1000 persons
- (2) Buildings above ~~23 m (75 ft)~~ 55 ft in height
- (3) Health care occupancies where persons are not capable of self-preservation.
- (4) Educational occupancies with more than 300 occupants

700.12 General Requirements

Amend Section 700.12 to read as follows:

700.12 General Requirements. Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, emergency lighting, emergency power, or both shall be available within the time required for the application but not to exceed 10 seconds. The supply system for emergency purposes, in addition to the normal services to the building and meeting the general requirements of this section, shall be one or more of the types of systems described in 700.12(A) through (E). Unit equipment in accordance with 700.12(F) shall satisfy the applicable requirements of this article.

In selecting an emergency source of power, consideration shall be given to the occupancy and the type of service to be rendered, whether of minimum duration, as for evacuation of a theater, or longer duration, as for supplying emergency power and lighting due to an indefinite period of current failure from trouble either inside or outside the building.

Equipment shall be designed and located so as to minimize the hazards that might cause complete failure due to flooding, fires, icing, and vandalism.

Equipment for sources of power as described in 700.12(A) through (E) shall be installed either in spaces fully protected by approved automatic fire suppression systems (sprinklers, carbon dioxide systems, and so forth) or in spaces with a ~~1-hour~~ 2-hour fire rating where located within the following:

- (1) Assembly occupancies for more than 1000 persons.
- (2) Buildings above ~~23 m (75 ft)~~ 55 feet in height with any of the following occupancy classes- assembly, educational, residential, detention and correctional, business, and mercantile
- (3) Health care occupancies where persons are not capable of self-preservation
- (4) Educational occupancies with more than 300 occupants

Amendments to the 2018 Edition of the Uniform Mechanical Code

Section 304.3 Access to Appliances on Roofs

Amend Section 304.3 to read as follows:

Section 304.3 Access to Appliances on Roofs. Appliances located on roofs or other elevated locations above 30 inches shall be accessible. [NFPA 54:9.4.3.11]

304.3.1 Access. Buildings exceeding 15 feet (4572 mm) in height shall have an inside means of access to the roof unless other means acceptable to the Authority Having Jurisdiction are used [NFPA 54:9.4.3.2]

3-4.3.1.1 Access Type. The inside means of access shall be a permanent, or foldable inside stairway or ladder, terminating in an enclosure, scuttle, or trap door. such scuttles or trap doors shall be not less than 22 inches by 24 inches (559 mm by 610 mm) in size, shall open easily and safely under all conditions, especially snow; and shall be constructed so as to permit access from the roof side unless deliberately locked on the inside.

Not less than 610 feet (1829.3048 mm) of clearance shall be between the access opening and the edge of the roof or similar hazard or rigidly fixed rails or guards not less than 42 inches (1067 mm) in height shall be provided on structures are utilized in lieu of guards or rails, they shall be not less than 42 inches (1067 mm) in height. [NFPA 54:9.4.3.1]

Section 403.7.2 Enclosed Parking Garages

Amend Section 403.7.2 to read as follows:

403.7.2 Enclosed Parking Garages. Mechanical ventilation systems for enclosed parking garages shall operate continuously.

Exceptions: ~~(1) Mechanical ventilation systems shall be permitted to operate intermittently where the system is designed to operate automatically upon detection of vehicle operation or the presence of occupants by approved automatic detection devices.~~ Mechanical ventilation systems for enclosed parking garages shall be permitted to operate intermittently where the system is designed to operate automatically upon detection of vehicle operation or presence of occupants by approved automatic detection devices.

~~(2) Approved automatic carbon monoxide sensing devices shall be permitted to be employed to modulate the ventilation system to not exceed a maximum average concentration of carbon monoxide of 50 parts per million during an eight-hour period, with a concentration of not more than 200 parts per million for a period not exceeding one hour. Automatic carbon monoxide sensing devices installed to modulated parking garage ventilation systems shall be approved in accordance with Section 301.2.~~ Automatic carbon monoxide sensing devices shall be permitted to be employed to modulate the ventilation system to maintain a maximum average concentration of carbon monoxide of 50 parts per million during an eight-hour period, with a concentration of not more than 200 parts per million for a period not exceeding one hour. Automatic carbon monoxide sensing devices installed to modulated parking garages ventilation systems shall be approved.

Section 504.4.2.1 Length Limitation

Amend Section 504.4.2.1 to read as follows:

504.4.2.1 Length Limitation. Unless otherwise permitted or required by the dryer manufacturer's instructions and approved by the Authority Having Jurisdiction, domestic dryer moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet (4267 mm), including two 90-degree (1.57 rad) elbows. ~~A length of 2 feet (610 mm) shall be deducted for each 90-degree (1.57 rad) elbow in excess of two.~~ Two (2) feet (610 mm) shall be deducted for each 90-degree (1.57 rad) elbow in excess of two. The maximum length of a clothes dryer exhaust duct shall not exceed 35 feet (10 668 mm) from the dryer location to the wall or roof termination. The maximum length of the duct shall be reduced 2.5 (762 mm) for each 45-degree (0.8 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend. The maximum length of the exhaust duct does not include the transition duct.

Exceptions:

1. Where the make and model of the clothes dryer to be installed is known and the manufacture's installation instructions for the clothes dryer are provided to the Authority Having Jurisdiction, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacture's installation instructions.
2. Where large-radius 45-degree (0.8 rad) and 90-degree (1.6 rad) bends are installed, determination of the equivalent length of clothes dryer exhaust duct for each bend by engineering calculation in accordance with ASHRAE Fundamentals Handbook shall be permitted.

Section 505.10 Makeup Air

Amend Section 505.10 to read as follows:

505.10 Makeup Air. Makeup air shall be provided to replenish air exhausted by the ventilator system. Exhaust hood systems capable of exhausting in excess of 600 cfm (0.28 m³/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system. Makeup air intakes shall be located so as to avoid recirculation of contaminated air within enclosures.

Section 508.3.5.4 Evaporative Cooling Systems Used as Make Up Air Systems

Add Section 508.3.5.4 to read as follows:

508.3.5.4.1 Evaporative Cooling Systems.

508.3.5.4.1 Evaporative Cooling Systems. Evaporative cooling systems will comply with this chapter. Evaporative coolers shall not be used for makeup air units on commercial kitchen hoods and kitchen ventilation systems.

Exception: Evaporative cooling systems that are part of a listed heating air system for kitchen make up air systems. The temperature differential between the makeup air and the air in the conditioned space shall not exceed 10°F (6°C) except where the added heating and cooling load of makeup air do not exceed the capacity of the HVAC system.

Section 511.2.2.2 Capture and Containment Test

Amend Section 511.2.2.2 to read as follows:

Section 511.2.2.2 Capture and Containment Test. The permit holder shall verify the capture and containment performance of ~~the Type I~~ hoods. A field test shall be conducted with ~~the all~~ appliances under the hood at operating temperatures, ~~with the outdoor air providing makeup air for all the hoods operating and with the source of recirculated air providing conditioning for the space in which the hood operating in located at design airflows, and with all sources of replacement air operating at design airflows for the restaurant.~~ Capture and containment shall be verified by observing smoke or steam produced by actual ~~or simulated~~ cooking operation or by simulating cooking using devices such as smoke candles or smoke puffers. Smoke bombs shall not be used [ASHRAE 154:4.8.2-4.7.2]

Exception: Capture and containment test not required if hood is UL and NFPA listed and manufacturers data lists the individual equipment below hood.

Section 604.1 General

Amend Section 604.1 to read as follows:

604.1 General. ~~Air ducts conveying air at temperatures exceeding 140°F (60°C) shall be insulated to maintain an insulation surface temperature of not more than 140°F (60°C). Factory made air ducts and insulations intended for installation on the exterior of ducts shall be legibly printed with the name of the manufacturer, the thermal resistance (R) value at installed thickness, flame spread index and smoke developed index of the composite material. Internal duct liners and insulation shall be installed in accordance with SMACNA HVAC Duct Construction Standards—Metal and Flexible. Supply air ducts, return air ducts, and plenum of a heating or cooling system shall be insulated to achieve the minimum thermal (R) value in accordance with the 2009 International Energy Conservation Code Section 403.2.1 for residential and 503.2.7 for commercial.~~

Exceptions:

- ~~(1) Factory installed plenums, casings, or ductwork furnished as a part of HVAC equipment tested and rated in accordance with approved energy efficiency standards.~~
- ~~(2) Ducts or plenums located in conditioned spaces where heat gain or heat loss will not increase energy use.~~
- ~~(3) For runouts less than 10 feet (3048 mm) in length to air terminals or air outlets, the rated R value of insulation need not exceed R-3.5 (R-0.6).~~

~~(4) Backs of air outlets and outlet plenums exposed to unconditioned or indirectly conditioned spaces with face areas exceeding 5 square feet (0.5 m²) need not exceed R-2; those 5 square feet (0.5 m²) or smaller need not be insulated.~~

~~(5) Ducts and plenums used exclusively for evaporative cooling systems.~~

Section 608.1 Air-Moving Systems and Smoke Detectors

Add Section 608.1 to read as follows:

608.1 Air-Moving Systems and Smoke Detectors. Air-moving systems supplying air in excess of 2000 cubic feet per minute (ft³ /min) (0.9439 m³ /s) to enclosed spaces within buildings shall be equipped with an automatic shutoff. Automatic shutoff shall be accomplished by interrupting the power source of the air-moving equipment upon detection of smoke in the main supply return-air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances ~~air duct~~ served by such equipment. Duct smoke detectors shall comply with UL 268A and shall be installed in accordance with the manufacturer's installation instructions. Such devices shall be compatible with the operating velocities, pressures, temperatures, and humidities of the system. Where fire-detection or alarm systems are provided for the building, the smoke detectors shall be supervised by such systems in an approved manner.

Exceptions:

- (1) Where the space supplied by the air-moving equipment is served by a total coverage smoke-detection system in accordance with the fire code, interconnection to such system shall be permitted to be used to accomplish the required shutoff.
- (2) Automatic shutoff is not required where occupied rooms served by the air-handling equipment have direct exit to the exterior and the travel distance does not exceed 100 feet (30 480 mm).
- (3) Automatic shutoff is not required for Group R, Division 3 and Group U Occupancies.
- (4) Automatic shutoff is not required for approved smoke control systems or where analysis demonstrates shutoff would create a greater hazard, such as shall be permitted to be encountered in air-moving equipment supplying specialized portions of Group H Occupancies. Such equipment shall be required to have smoke detection with remote indication and manual shutoff capability at an approved location.
- (5) Smoke detectors that are factory installed in listed air moving equipment shall be permitted to be used in lieu of smoke detectors installed in the main supply-air duct served by such equipment.

Section 609.0 Performance Test for Automatic Shutoffs

Add Section 609.0 to read as follows:

609.0 Performance Test for Automatic Shutoffs. Upon completion and before final approval of the air-moving system, provide with the required smoke detectors, a performance test shall be performed to verify compliance of detector installation to manufacturer's instructions and system compatibility as specified in this chapter. The permittee shall furnish the necessary test equipment and devices required

to perform the tests and shall provide the jurisdiction with an accurate, completed, and signed test report. The report shall provide the jurisdiction a form containing equivalent information. At the discretion of the Authority Having Jurisdiction, the performance test may be required to be witnessed by the Authority Having Jurisdiction or performed by an approved third-party testing agency.

Section 939.0 Sauna Heaters

Add Section 939.1 to Section 939.0 Sauna Heaters to read as follows:

939.0 Sauna Heaters.

939.1 General. Sauna heaters shall be listed and installed in accordance with the manufacturer's installation instructions. Approved guards or barriers shall be installed to prevent accidental contact with the sauna heater. Ventilation shall be provided in accordance with its listing and combustion air for gas-fired sauna heaters shall comply with chapter 7.

Section 1301.1 Applicability

Amend Section 1301.1 to read as follows:

1301.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) ~~for natural gas and 10 psi (69 kPa) for undiluted propane~~, other than service pipe.

Fuel oil piping systems shall be installed in accordance with NFPA 31. Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP-Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shall govern.

Section 1313.3 Test Pressure

Amend Section 1313.3 to read as follows:

1313.3 Test Pressure. This inspection shall include an air, CO₂, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ~~40~~ 25 psi (~~69~~ 172.4 kPa) gauge pressure. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction but in no case less than ~~15~~ 30 minutes with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column (3.5 kPa) pressure, the test pressure shall be not less than 60 psi (414 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than 30 minutes. ~~For CSST carrying gas at pressures in excess of 14 inches water column (3.5 kPa) pressure, the test pressure shall be 30 psi (207 kPa) for 30 minutes.~~ These tests shall be made using air, CO₂, or nitrogen pressure and shall be made in the presence of the Authority Having Jurisdiction. Necessary apparatus for conducting tests shall be furnished by the permit

holder. Test gauges used in conducting test shall be in accordance with Section ~~1303.3.3.1 through~~ Section 1303.3.3.4 318.0.

Section 1313.5.1 Turning Gas On

Amend Section 1313.5.1 to read as follows:

1313.5.1 Turning Gas On. During the process of turning gas on into a system of new gas piping or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that all valves at unused outlets are closed and plugged or capped. [NFPA 54:8.2.2]

1313.5.1.1 During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service; in the City of Fernley, City of Reno, City of Sparks, Storey County and Washoe County a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes, with no perceptible drop in pressure.

1313.5.1.2 For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

1313.5.1.3 For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

1313.5.1.4 Manometer testing. Manometer testing shall be performed by a person holding a valid Washoe County manometer tester card for which the number is to be provided at the time of request for inspection. A visual manometer test to be witnessed by the authority having jurisdiction may be allowed by the Building Official. A manometer test does not need to be reported when the serving gas utility performs a manometer or clock test prior to providing service.

Amendments to the 2018 Edition of the Uniform Plumbing Code

Section 216.0 Definition Non-Combustible Material

Amend Section 216.0 to read as follows:

Section 216.0 Definitions. Non-Combustible Material: Materials that, when tested in accordance with ASTM E136, have at least three of four specimens tested meeting all of the following criteria:

1. The recorded temperature of the surface and interior thermocouples shall not at any time during the test rise more than 54°F (30°C) above the furnace temperature at the beginning of the test.

2. There shall not be flaming from the specimen after the first 30 seconds.
3. If the weight loss of the specimen during testing exceeds 50 percent, the recorded temperature of the surface and interior thermocouples shall not at any time during the test rise above the furnace air temperature at the beginning of the test, and there shall not be flaming of the specimen.

Section 218.0 Definition Penetration Firestop System

Delete Section 218.0 as follows:

218.0 Definitions. Penetration Firestop System. A specific assemblage of field-assembled materials, or a factory-made device, which has been tested to a standard test method and, where installed properly on penetrating piping materials, is capable of maintaining the fire-resistance rating of assemblies penetrated.

Section 222.0 Definitions “T” Rating

Delete Section 222.0 as follows:

222.0 Definitions. T Rating. The time period that the penetration firestop system, including the penetrating item, limits the maximum temperature rise of 325° (163°C) above its initial temperature through the penetration on the non-fire side, where tested in accordance with ASTM E 814 or UL 1479.

Section 312.7 Fire-Resistant Construction

Amend Section 312.7 to read as follows:

312.7 Fire-Resistant Construction. Piping penetrations of fire-resistance-rated walls, partitions, floors, floor/ceiling assemblies, roof/ceiling assemblies, or shaft enclosures shall be protected in accordance with the requirements of the building code. ~~and Chapter 15, “Firestop Protection.”~~

Section 422.0 Minimum Number of Required Fixtures

Delete Section 422.0 to read:

~~Section 422.0 Minimum Number of Required Fixtures.~~

Table 422.1 Minimum Plumbing Facilities

Delete Table 422.1 as follows:

~~Table 422.1 Minimum Plumbing Facilities~~

Section 609.1 Installation

Amend Section 609.1 to read as follows:

609.1 Installation. Water piping shall be adequately supported in accordance with Table 313.3. Burred ends shall be reamed to the full bore of the pipe or tube. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper or copper alloy tubing shall be permitted to be made with bends, provided that such bends are made with bending equipment that does not deform or create a loss in the cross-sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's instructions. Provisions shall be made for expansion in hot-water piping. Piping, equipment, appurtenances, and devices shall be installed in a workmanlike manner in accordance with the provisions and intent of the code. Building supply yard piping shall be not less than 12 6 inches (305 152mm) below the average local frost depth. The cover shall be not less than 12 inches (305 mm) below finish grade.

Section 712.1 Media

Amend Section 712.1 to read as follows:

712.1 Media. The piping of the plumbing, drainage and venting systems shall be tested with water or air ~~except that plastic piping shall not be tested with air.~~ The authority Having Jurisdiction shall be permitted to require the removal of cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

Section 717.1 General (Size of Building Sewers)

Amend Section 717.1 to read as follows:

717.1 General. The minimum size of a building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 717.1. No building sewer shall be smaller than the building drain or less than four (4) inches in diameter. For alternate methods of sizing building sewers, see Appendix C.

Section 723.1 General (Building Sewer Test)

Amend Section 723.1 to read as follows:

723.1 General. Building sewers shall be tested by plugging the end of the building sewer at its points of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to highest point thereof, or by approved equivalent low-pressure air test. ~~Plastic DWV piping systems shall not be tested by the air test method.~~ The building sewer shall be watertight.

Section 1107.2 Methods of Testing Storm Drainage Systems

Amend Section 1107.2 to read as follows:

1107.2 Methods of Testing Storm Drainage Systems. Except for outside leaders and perforated or open-jointed drain tile, the piping of storm drain systems shall be tested upon completion of the rough piping installation by water or air, ~~except that plastic pipe shall not be tested with air,~~ and proved tight. The Authority Having Jurisdiction shall be permitted to require the removal of cleanout plugs to ascertain whether the pressure has reached parts of the system. One of the following test methods shall be used in accordance with Section 1109.2.1 through Section 1109.2.3.

Section 1201.1 Installation

Amend Section 1201.1 to read as follows:

1201.1 Installation. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (34 kPa) ~~for natural gas and 10 psi (69 kPa) for undiluted propane,~~ other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA31. Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP-Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shall govern.

Section 1208.6.1.3 Snow Hazard

Add Section 1208.6.1.3 to 1208.6 to read as follows:

1208.6.1.3 Snow Hazard: Protection of utilities shall be per requirements of local utility.

Section 1213.3 Test Pressure

Amend Section 1213.3 to read as follows:

1213.3 Test Pressure. This inspection shall include an air, CO₂, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ~~10~~ 25 psi (~~69~~ 172.4 kPa) gauge pressure. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction, but in no case less than ~~15~~ 30 minutes with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.5 kPa), the test pressure shall be not less than 60 psi (414 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than 30 minutes. These tests shall be made using air, CO₂, or nitrogen pressure and shall be made in the presence of the Authority Having Jurisdiction. Necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall be in accordance with Section 318.0.

Section 1213.5.1 Turning Gas On

Amend Section 1213.5.1 to read as follows:

1213.5.1 Turning Gas On. During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that the valves at unused outlets are closed and plugged or capped. [NFPA 54:8.2.2]

1213.5.1.1 During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service; in the City of Fernley, City of Reno, City of Sparks, Storey County and Washoe County a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes, with no perceptible drop in pressure.

1213.5.1.2 For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

1213.5.1.3 For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

1213.5.1.4 Manometer testing. Manometer testing shall be performed by a person holding a valid Washoe County manometer tester card for which the number is to be provided at the time of request for inspection. A visual manometer test to be witnessed by the authority having jurisdiction may be allowed by the Building Official. A manometer test does not need to be reported when the serving gas utility performs a manometer or clock test prior to providing service.

Chapter 14 Firestop Protection

Delete Chapter 14 as follows:

~~Chapter 14 Firestop Protection~~

2018 Northern Nevada Amendments Appendix

Appendix Table R301.2(1)

Carson City

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Underlay ment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Permit ^c					
See IBC Table 1608.2.1	120	No	Yes	No	D2	Severe	24"	Moderate To Heavy	9°F	Yes above 5500'	Varies. See Engineering Dept	444	50.2°F

Manual J Design Criteria

City of Fernley

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Underlay ment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Permit ^c					
See IBC Table 1608.2.1	115	No	No	No	D1	Severe	18"	Moderate To Heavy	11°F	No	(a)06/04/2003 (b)11/20/1998 Firm	594	49.4°F

Manual J Design Criteria

City of Reno

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Underlay ment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Permit ^c					
See IBC Table 1608.2.1	120	No	Yes	No	D2	Severe	24"	Moderate To Heavy	17°F	Yes above 5300'	See RMC 18.12.1 701	594	49.4°F

Manual J Design Criteria

City of Sparks

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
See IBC Table 1608.2.1	120	No	Yes	No	D2	Severe	24"	Moderate To Heavy	17°F	No	See SMC 15.11	594	49.4°F

Manual J Design Criteria

Douglas County

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
See IBC Table 1608.2.1	120	No	Yes	No	D2	Severe	18" < 600 0' 24" > 600 0'	Moderate To Heavy	4°F	Yes above 5300'	Douglas County Title 20 Chapter 20.50	647	48.8°F

Manual J Design Criteria

Lyon County

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
See IBC Table 1608.2.1	115	No	No	No	D1	Severe	18"	Moderate To Heavy	11°F	No	Lyon Co. Title 12	445	51.2°F

Manual J Design Criteria

Pershing County

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
See IBC Table 1608.2.1	See IBC 1609.3.2				D2	Severe	36"	Slight To None	1°F	Yes above 5300'	June 4, 2003	594	49.4°F

Manual J Design Criteria

Storey County

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
See IBC Table 1608.2.1	115	No	No	No	D1	Severe	18"	Moderate To Heavy	18°F	Yes above 5500'	See SCC 15.20	594	49.4°F

Manual J Design Criteria

Washoe County

Ground Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
	120	No	Yes	No	D2	Severe	24"	Moderate To Heavy	17°F	Yes above 5300'	See WCC Chapter 110	594	49.4°F

Manual J Design Criteria

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

- Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate," or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry unit shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C, the urisd216 or C652.
- Where the frostline depth requires deeper footings than indicated in Figure R403.1(1), the frostline depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth footing below finish grade.

- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 -percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official [Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMS and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in the part of this table with "Yes." Otherwise, the jurisdiction shall indicate "No."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F.)"
- k. In accordance with Section R301.2.1.5, where there is local historic data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "yes." Otherwise, the jurisdiction shall indicate "No" in this part of the table.
- l. In accordance with Figure R301.2.5(A), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "Yes" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "No" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris zone(s). Otherwise, the jurisdiction shall indicate "No" in this part of the table.
- ~~n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual 3 or established by the jurisdiction.~~
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

2018 NORTHERN NEVADA AMENDMENTS TO THE 2018 INTERNATIONAL FIRE CODE

July 17, 2018

Published by the Authorities Having Jurisdiction listed below

Participating Agencies

Carson City Fire Department

777 South Stewart Street

Carson City, NV 89701

Central Lyon County Fire Protection District

246 Dayton Valley Road, Suite 106

Dayton, NV 89403

East Fork Fire Protection District

1694 County Road

Minden, NV 89423

Elko City Fire Department

911 West Idaho Street

Elko, NV 89801

North Lake Tahoe Fire Protection District

866 Oriole Way

Incline Village, NV 89451

North Lyon County Fire Protection District

195 East Main Street

Fernley, NV 89408

Reno Fire Department

One East First Street, 4th Floor

Reno, NV 89501

Smith Valley Fire Protection District

1 Hardie Lane

Smith, NV 89430

Sparks Fire Department

1605 Victorian Avenue

Sparks, NV 89431

Storey County Community Development

P.O. Box 526

Virginia City, NV 89440

Tahoe Douglas Fire Protection District

193 Elks Point Road

Zephyr Cove, NV 89448

Truckee Meadows Fire Protection District

1001 East Ninth Street, Building D, Second Floor

Reno, NV 89520

Preface

This document comprises proposed amendments to the 2018 Edition of the International Fire Code as published by the International Code Council, Inc, amended by the Participating Agencies listed above, with the support of the Northern Nevada Chapter of the International Code Council. This document is hereafter referenced as the 2018 Northern Nevada Fire Code Amendment and is prepared to be adopted by reference by the local authority having jurisdiction. These provisions are not considered to be or enacted as the code unless the provisions are adopted and codified by the local Authority Having Jurisdiction.

The purpose of the document is to provide a consist area-wide application to the enforcement of the fire and life safety code sections noted in the International Fire Code, while still acknowledging necessary modifications to the nationally recognized fire and life safety document based upon the local needs of the community.

Notes:

- Deleted language in the base code has bee ~~stricken through~~.
- Added language to the code section has been underlined.
- The entire section amended has been shown for context.

The following participating agencies have reviewed the attached document referenced as the 2018 Northern Nevada Fire Code Amendments and agree with the amendments to the 2018 International Fire Code as stated therein. It is noted that the code amendments must be approved and adopted and codified by the local Authority Having Jurisdiction to become code.

Dave Ruben

Carson City Fire Department

Elizabeth Peto

Central Lyon County Fire Protection District

Steve Eisele

East Fork Fire Protection District

John Holmes

Elko City Fire Department

Mark Regan

North Lake Tahoe Fire Protection District

Scott Huntley

North Lyon County Fire Protection District

Tray Palmer

Reno Fire Department

Robert Loveberg

Smith Valley Fire Protection District

Robert King

Sparks Fire Department

Martin Azevedo

Storey County Community Development

Eric Guevin

Tahoe Douglas Fire Protection District

Lisa Beaver

Truckee Meadows Fire Protection District

TABLE OF CONTENTS

Section	Page
102.7 Referenced codes and standards	8
105.6.51 Fire fighter air replenishment systems	8
105.7.26 Fire fighter air replenishment systems	8
202 General Definitions	8
307.4.3 Portable outdoor fireplaces	11
308.1.6.3 Sky lanterns	11
319.4.1 Fire protection for cooking equipment	11
403.12.3.2 Training	12
505.1 Address identification	12
505.3 Directory required	12
507.3 Fire flow	12
507.5.5 Clear space around hydrants	12
508.1.6 Required features	13
510.1 Emergency responder radio coverage in new buildings	15
510.2 Emergency responder radio coverage in existing building	15
510.3 Permit required	16
704.3 Wood-burning appliance enclosures and flue shafts	16
901.4.6.2 Marking on access door	16
901.6 Inspection, testing and maintenance	16
901.6.2.3 Fire fighter air replenishment system	17
901.11 Problematic unwanted Fire Alarms	17
903.2 Where required	17
903.2.1.2 Group A-2	18
Table 903.2.1 Required Automatic Sprinklers by Fire Area, Response Time and Height for A, B, E, F, H, I, M, S and U Occupancies	19
Table 903.2.2 Required Automatic Sprinklers by Fire Area, Response Time and Height	

	for Structures Designed and Constructed with the International Residential Code	21
903.2.3	Group E	22
903.3.1.1	NFPA 13 sprinkler systems	23
903.3.1.3	NFPA 13D sprinkler systems	23
903.4	Sprinkler system supervision and alarms	23
903.4.2	Alarms	24
903.4.3	Floor control valves	24
906.2	General requirements	24
907.2.9.4	Automatic smoke detection systems in Group R-4	25
907.2.9.5	Automatic smoke detection systems in Group R-3	25
907.2.10.2.1	Alternative to single- and multiple-station smoke alarms	26
907.5.2.1.1	Average sound pressure	26
910.2.2	High-piled combustible storage	26
912.5.1	Service area	26
913.4	Valve supervision	27
914.3.8	Fire fighter air replenishment systems	27
1023.9.1	Signage requirements	27
Chapter 11	Construction Requirements for Existing Buildings	28
3903.2	Prohibited occupancies	28
3903.3	Location	28
3903.5	Use of flammable and combustible liquids	28
3903.5.1	Electrical components	29
3903.6	Liquified petroleum gas	29
3903.6.1	Exhaust	29
3903.6.1.1	Installation	29
3903.6.1.2	Processes	29
3903.6.2	Electrical bonding and grounding	30
3903.6.2.1	Classified areas	30

3903.6.2.2	Interlocks	30
3903.6.2.3	Emergency power	30
3903.6.2.4	Gas detection systems	30
3903.7	<i>Carbon dioxide extraction</i>	31
3903.7.1	Storage and handling	31
3903.7.2	CO ₂ gas detection	31
3903.7.3	CO ₂ discharge	31
3903.8	Means of egress	31
3903.9	Signage	32
3903.9.1	Safety data sheets	32
3903.9.2	Warning signage	32
3904.4	Site inspection	32
3904.5	Change of extraction medium	32
5601.1.3	Fireworks	33
5601.1.6	Exploding targets	33
6101.1	Scope	33
APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS		33
B102	Definitions	34
B103.3	Areas without water supply systems	34
Table B105.2	Buildings other than one- and two-family dwellings	

Groups R-3 and R-4 buildings and townhouses	34
APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION	35
C102.2 Distance to a Fire Department Connection (FDC)	35
APPENDIX D FIRE APPARATUS ROADS	35
APPENDIX L REQUIREMENTS FOR FIRE FIGHTER AIR REPLENISHMENT SYSTEMS	35

2018 Northern Nevada Fire Code Amendments

Section 102.7 Referenced codes and standards:

Section 102.7 is amended to read:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be ~~those~~ the most current that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.7.1 and 102.7.2.

Section 105.6.51 Fire Fighter Air Replenishment Systems:

Section 105.6.51 is added to Section 105.6 Required operational permits, to read:

Section 105.6.51 Fire Fighter Air Replenishment Systems. An operational permit is required to maintain a Fire Fighter Air Replenishment System.

Section 105.6.52 Emergency responder radio coverage system

Section 105.6.51 is added to Section 105.6 Required operational permits, to read as follows:

Section 105.6.52 Emergency responder radio coverage system. An operational permit is required for the operation and maintenance of an emergency radio coverage system and related equipment, as specified in Section 510.

Section 105.7.26 Fire fighter air replenishment systems:

Section 105.7.26 is added to Section 105.7 Required construction permits, to read:

Section 105.7.26 Fire Fighter Air Replenishment Systems. A construction permit is required for installations of or modification to a Fire Fighter Air Replenishment System. The construction permit application shall include documentation of an acceptance and testing plan as specified in Section L103.2.

Section 202 General Definitions:

The following definitions are amended or added in Section 202 General definitions to read:

[BG] HIGH-RISE BUILDING. A building with an occupied floor located more than ~~75~~ 55 feet (~~22806~~ 16 764 mm) above the lowest level of fire department vehicle access.

OCCUPANCY CLASSIFICATION [BG] Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures, or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. All portions of a care facility which houses patients or residents which is classified by the State Board of Health as "Category 2," and which has an occupant load of more than 10 residents, is classified as a "I-1" occupancy classification. Buildings of Group I-1 shall be classified as one of the occupancy conditions listed below. This group shall include, but not be limited to, the following:

Alcohol and Drug Centers

Assisted living facilities

Congregate care facilities

Group homes

Halfway houses

Residential board and care facilities

Residential board and custodial care facilities

Social rehabilitation facilities

[BG] Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care who, without any assistance, are capable of responding to an emergency to complete building evacuation.

[BG] Condition 2. This occupancy shall include buildings in which there are any persons requiring custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

[BG] Six to 16 persons receiving custodial care. A facility housing not fewer than six and not more than 16 persons receiving custodial care shall be classified as group R-4.

[BG] Five or fewer persons receiving custodial car. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

Occupational Classification [BG] Group I-4, day care facilities. Institutional Group I-4 shall include buildings and structures occupied by more than ~~five~~ six persons of any age who receive custodial care for less than 24 hours by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care.

[BG] Classification as Group E. A child day care facility that provides care for more than ~~five~~ six but no more than 100 children 21/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

[BG] Within a place of religious worship. Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.

[BG] Five or fewer occupants receiving care. A facility having ~~five~~ six or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

[BG] Five or fewer occupants receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having ~~five~~ six or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Occupancy Classification [BG] Residential Group R-1. Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

Boarding houses (transient) with more than 10 occupants

Brothels

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

OCCUPANCY CLASSIFICATION [BG] Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units

Care facilities that provide accommodations for ~~five~~ 6 or fewer persons receiving care

Congregate living facilities (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Monasteries

Congregate living facilities (transient) with 10 or fewer occupants

Boarding houses (transient)

Lodging houses (transient) with five or fewer guestrooms and 10 or fewer occupants.

Unwanted alarm. Any alarm that occurs that is not the result of a potentially hazardous condition.

Section 307.4.3 Portable outdoor fireplaces

Section 307.4.3, of Section 307.4 Location, is amended to read:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

~~Exception: Portable outdoor fireplaces used in one- and two-family dwellings.~~

Section 308.1.6.3 Sky lanterns

Section 308.1.6.3, of Section 308.1.6 Open-flame devices, is amended to read:

308.1.6.3 Sky lanterns. ~~A person shall not release or cause to be released an untethered sky lantern.~~ Sky lanterns are prohibited.

Section 319.4.1 Fire protection for cooking equipment

Section 319.4.1, of Section 319.4 Fire protection, is amended to read:

319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with ~~Section~~ Sections 607.2 and 904.12.

Section 320 Natural Gas Meter Protection

Section 320 Natural Gas Meter Protection and Section 320.1 General are added to read as follows:

320 Natural Gas Meter Protection

320.1 General. A protective cover shall be provided over natural gas meter assemblies serving buildings, or portions thereof, located at an elevation of 5,800 feet (1767.48 m) or higher. The protective cover shall be designed to be equal to or greater than the Building Design Load (as determined by the Building Department having jurisdiction). The cover shall be approved by the natural gas supplier, shall be installed over the meter assembly, and securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing of the supports shall extend a minimum of 6-inches (152.4 mm) below finished grade. Pre-cast concrete piers may be used in lieu of poured footings, provided they are placed on stable soil.

Section 403.12.3.2 Training

Section 403.12.3.2, of Section 403.12.3 Crowd managers, is amended to read as follows:

403.12.3.2 Training. Training for crowd managers shall be in compliance with the latest International Code Council or National Fire Protection Associations standards or guidelines approved.

Section 505.1 Address Identification

Section 505.1 is amended to read:

505.1 Address identification. New and existing buildings shall be provided with approved maintained all-weather address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetic letters. Numbers shall not be spelled out. Each character shall be not less ~~than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm)~~ than a nominal height of 6-inches with a minimum 1/2-inch stroke for residential occupancies and 12-inches with a 1-inch stroke in commercial occupancies, unless otherwise approved by the fire code official. Where required by fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 507.3 Fire flow

Section 507.3 is amended to read:

507.3 Fire flow. Fire flow requirements for buildings or portions of building and facilities shall be determined by an *approved* method.

Subject to the approval of the fire authority, if the required fire flow is not available for adequate fire protection, an automatic fire sprinkler system shall be installed throughout the building or buildings. The sprinkler system must meet the requirements of the appropriate N.F.P.A. standard. The provisions of this paragraph do not apply if a fire sprinkler system is otherwise required by this chapter or the adopted codes.

Section 507.5.5 Clear space around hydrants

Section 507.5.5 in Section 507.5 Fire hydrants is amended to read:

507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or *approved*. In addition, a minimum clear space of seven and one-half feet (2286 mm) shall be maintained to both sides directly in front of the front pumper connection. In the North Lake Tahoe Fire Protection District and Tahoe Douglas Fire Protection District, a minimum of four feet (1219 mm) shall also be maintained clear to the rear of any fire hydrant. These clearance requirements shall apply to any public or private property.

Section 508.1.6 Required features

Section 508.1.6 of Section 508.1 General is amended to read:

508.1.6 Required features. The fire command center shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication system control unit.
2. The fire department communications system.
3. Fire detection and alarm system annunciator.
4. Annunciator unit visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for the air distribution systems.
6. The fire fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking *interior exit stairway* doors simultaneously.
8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department used with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, *means of egress, fire protection systems, fire-fighter air-replenishment systems, fire-fighting equipment and fire department access, and the location of fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions.*
13. An *approved* Building Information Card that includes, but is not limited to, all of the following information:
 - 13.1. General building information that includes: the number of floors in the building above and below grade, use, and occupancy classification (for mixed uses, identify the different types of occupancies on each floor) and the estimated building population during the day, night, and weekend;
 - 13.2. Building emergency contact information that includes: a list of the building's emergency contacts including, but not limited to, building manager, building engineer and their respective work phone number, cell phone number and e-mail address;
 - 13.3. Building construction information that includes: type of building construction including but not limited to floors, walls, columns and roof assembly;
 - 13.4. *Exit access stairway and exit stairway* information that includes: number of exit access stairways and exit stairways in building; each exit access stairway and exit

stairway designation and floors served; location where each *exit access stairway* and *exit stairway* discharges, *interior exit stairways* that are pressurized; *exit stairways* that are provided with emergency lighting; each *exit stairway* that allows reentry; *exit stairways* providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms, control rooms, and control spaces; location of sky lobby; and location of freight elevator banks;

13.5. Building Services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator and locations of natural gas service.

13.6. *Fire protection system* information that includes: location of standpipes, location of fire pump room, location of fire department connections, floors protected by automatic sprinklers and location of different types of *automatic sprinkler systems* installed including but not limited to dry, wet, and pre-action;

13.7. Hazardous material information that includes: location and quantity of hazardous material;

14. Work table.

15. Generator supervision devices, manual start and transfer features.

16. Public address system, where specifically required by other sections of this code.

17. Elevator fire recall switch in accordance with ASME A17.1/CSA B44.

18. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.

19. HVAC. The central control station shall be provided with heating, cooling, and ventilation (HVAC) systems that are independent of any other building system or area. HVAC for the central control station shall be connected to the emergency power system.

20. Lighting. Lighting shall provide adequate illumination and shall be on emergency service with additional battery backup emergency lighting.

21. Inside Telephone Line. A telephone connected to the premise's telephone exchange shall be provided. A current premise's telephone directory shall be placed next to this telephone.

22. Disconnect. The main switch for disconnecting the utility power and any alternate power sources shall be in the fire command center. Switches shall be covered to prevent utility power feeds and any alternate power sources before entering the building. After the switch is operated, no live electrical panels, conductors, or feeds within the premises shall remain energized excluding the emergency electrical circuits.

Section 510.1 Emergency responder radio coverage in new buildings

Section 510.1 is amended to read:

510.1 Emergency responder radio coverage in new buildings. ~~New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. An emergency responder radio coverage system shall be provided throughout buildings when any of the following apply:~~

1. **High-rise buildings.** Buildings with a floor used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access.
2. **Underground and below grade buildings.** Buildings having a floor level below the finished floor of the lowest level of exit discharge of any level.
3. **Other buildings.** The fire code official is authorized to require a technical opinion and report, in accordance with Section 104.7.2, for buildings whose design, due to location, size, construction type, or other factors, could impede radio coverage as required by Section 510.4.1. The report shall make a recommendation regarding the need for an emergency responder radio coverage system.

Exceptions:

- ~~1. Where approved by the building official and fire official a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed and maintained instead of an approved radio coverage system.~~
- ~~2. Where it is determined by the fire code official that the radio coverage is not needed.~~
- ~~3. In facilities where emergency responder radio coverage is required, and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated~~

Section 510.2 Emergency responder radio coverage in existing buildings

Section 510.2 is amended to read:

510.2 Emergency responder radio coverage in existing buildings. ~~Existing buildings shall be provided with approved radio coverage for emergency coverage as required in chapter 11, other than Group R-3, which do not have approved radio coverage for emergency responders in the building based on existing coverage levels of the public safety communications systems, shall be equipped with such coverage according to one of the following conditions:~~

1. Existing buildings that do not have approved radio coverage, as determined by the Fire Chief, in accordance with Section 510.4.1.
2. Where an existing wired communication system cannot be repaired or is being replaced.

3. Within a time frame established by the adopting authority.

Exception: Where it is determined by the fire code official that the radio coverage is not needed.

Section 510.3 Permit required

Section 510.3 is amended to read:

510.3 Permits Required. Permits shall be required to install, modify and operate an emergency radio coverage system and related equipment, as follows:

1. A construction permit for the installation of or modifications to emergency radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
2. An operational permit is for the operation and maintenance of an emergency radio coverage system and related equipment as specified in Section 105.6.52.

Section 704.3 Wood-burning appliance enclosures and flue shafts

Section 704.3 is added to Section 704 JOINTS AND VOIDS, and reads:

704.3 Wood-burning appliance enclosures and flue shafts. In North Lake Tahoe Fire Protection District and Tahoe Douglas Fire Protection District, the interior of any firewood-burning fireplace enclosure and flue shaft constructed of combustible framing materials shall be completely lined with taped 5/8" type "X" drywall.

Section 901.4.6.2 Marking on access door

Section 901.4.6.2 is amended to read:

901.4.6.2 Marking on access door. Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled with a maintained approved all-weather sign. The lettering shall be in contrasting color to the background. Letters shall have a minimum height of 2 inches (51 mm) with a minimum stroke of 3/8 inch (10 mm).

Section 901.6 Inspection, testing and maintenance

Section 901.6 is amended to read:

901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems and smoke and heat vents, and commercial kitchen hood ventilation systems shall be maintained in an

operative condition at all times and shall be replaced or repaired where defective. Nonrequired *fire protection systems* and equipment shall be inspected, tested and maintained or removed. Air systems for fire-suppression breathing apparatus shall be maintained at the same frequency as other high-rise life safety systems.

Section 901.6.2.3 Fire fighter air replenishment system

Section 901.6.2.3 is added to Section 901.6.2 Integrated testing, to read:

Section 901.6.2.3 Fire fighter air replenishment system. Fire suppression breathing apparatus air system procedures, maintenance and report records shall be approved by the fire code official. Inspection records shall be kept on-site.

Section 901.11 Problematic unwanted fire alarms

Section 901.11 is added to Section 901 GENERAL, to read:

901.11 Problematic unwanted fire alarms. Problematic unwanted fire alarms are a violation of this code. When a fire alarm system is required by this code, it shall be the responsibility of the property owner or owner's authorized agent to maintain the system and properly educate occupants, tenants, and / or employees in accepted behavioral practices that will minimize or eliminate false and / or nuisance alarms. This includes nuisance activations in response to predictable environmental stimuli such as but not limited to cooking fumes, smoking, and construction activities. Where unwanted alarms become repetitive, the fire code official is authorized to charge fees or issue administrative citations to the property owner in accordance with the fee schedule or administrative code as established by the applicable governing authority.

(Each jurisdiction may want to cite their exact section of administrative code. For example, Reno would be in accordance with Section 1.05 of the Reno Municipal Code.)

Section 903.2 Where required

Section 903.2 is amended to read:

903.2 Where required. *Approved automatic sprinkler systems* in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 903.2, and Tables 903.2.1 and 903.2.2.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or not

less than 2-hour *horizontal assemblies* constructed in accordance with Section 711 of the *International Building Code*, or both.

Section 903.2.1.2 Group A-2

Section 903.2.1.2 is amended to read:

903.2.1.2 Group A-2. An *automatic sprinkler system* shall be provided for Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464 m²).
2. The *fire area* has an *occupant load* of 100 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

Occupancies containing a casino, regardless of occupancy classification, must be designed and built with a sprinkler system classified as an Ordinary Hazard Group 2.

Table 903.2.1 Required Automatic Sprinklers by Fire Area, Response Time and Height for A, B, E, F, H, I, M, S and U Occupancies

Add Table 903.2.1 to Section 903.2, to read:

TABLE 903.2.1^a

Required Automatic Sprinklers by Fire Area, Response Time and Height

For A, B, E, F, H, I, M, S and U Occupancies

Sprinklers are required when any one of the listed conditions are met, or when otherwise required by this Code

Fire Authority	Fire Area ^{b,c} <i>In square feet (sf)</i>	Height ^d <i>In stories</i>	Response Time <i>In minutes (min)</i>
Carson City Fire Department	$\geq 5,000$ ^e	>2	NA
Central Lyon County Fire Protection District	≥ 5000	> 2	-
East Fork Fire Protection District	$\geq 5,000$	>2	NA
Elko City Fire Department	$\geq 5,000$	> 2	-
North Lake Tahoe Fire Protection District	$\geq 5,000$ ^e	2 with basement or >2	NA
North Lyon Fire Protection District	$\geq 5,000$	>2	NA
Reno Fire Department	$>5,000$	>2	NA
Smith Valley Fire Protection District	$\geq 5,000$	>2	NA

Sparks Fire Department	≥5,000	>2	>6
Storey County Community Development District	≥5,000	2 with basement or >2	NA
Tahoe Douglas Fire Protection District	All	NA	NA
Truckee Meadows Fire Protection District	≥5,000	>2	NA

- a. This table is in addition to any other automatic sprinkler requirements in this code.
- b. Fire areas may be separated according to IBC 707.3.10.
- c. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage.
- d. Airport towers and open parking garages complying with IBC 406.5 are exempt from this table.
- e. A one-time increase in the fire area is permitted provided said increase is < 50% of the structure's existing permitted fire area square footage.
- g. A one-time increase of 360 square feet of fire area is permitted.

Table 903.2.2 Required Automatic Sprinklers by Fire Area, Response Time, and Height for Structures Designed and Constructed with the International Residential Code

Add Table 903.2.2 to Section 903.2, to read as follows:

TABLE 903.2.2^a

Required Automatic Sprinklers by Fire Area, Response Time and Height

For Structures Designed and Constructed with the International Residential Code

Sprinklers are required when any one of the listed conditions are met,

or when otherwise required by this Code

Fire Authority	Fire Area ^b In square feet (sf)	Height In stories	Response Time In minutes (min)
Carson City Fire Department	$\geq 5,000$ ^c	-	-
Central Lyon County Fire Protection District	≥ 5000	>2	-
East Fork Fire Protection District	-	-	-
Elko City Fire Department	≥ 5000	>2	-
North Lake Tahoe Fire Protection District	$\geq 5,000$ ^e	2 with basement or ≥ 3	-
North Lyon Fire Protection District	$\geq 5,000$	-	-
Reno Fire Department	>5,000	-	>6

Smith Valley Fire Protection District	$\geq 5,000$	>2	-
Sparks Fire Department	≥ 5000	-	>6
Storey County Community Development District	-	-	-
Tahoe Douglas Fire Protection District	$>3,600$ ^g	2 with basement or ≥ 2	-
Truckee Meadows Fire Protection District	New: $\geq 5,000$ sf Existing: $>7,000$ sf ^f	-	-

- a. This table is in addition to any other automatic sprinkler requirements in this code.
- b. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage. The use of fire walls and fire barriers shall not be allowed to be used to reduce the size of fire areas.
- c. A one-time increase in the fire area is permitted provided said increase is $< 50\%$ of the structure's existing permitted fire area square footage.
- e. A one-time increase of 360 square feet of fire area is permitted.
- f. See section 907.2.10.2.1 for alarm requirements for existing structures.
- g. Accessory structures are exempt from this table.

Section 903.2.3 Group E

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 12,000 square feet (1115 m²) in area.
2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.

3. The Group E fire area has an occupant load of 300 or more.

4. Daycare facilities where there is occupancy from 12:00 am- 6:00 am and care for 7 or more children.

In high schools where *automatic fire sprinkler systems* are provided, the automatic fire sprinkler systems for automotive and woodworking shops must be designed to Ordinary Hazard, Group 1 automatic fire sprinkler systems criteria, or as required by the Authority Having Jurisdiction.

Section 903.3.1.1 NFPA 13 sprinkler systems

Section 903.3.1.1 is amended to read:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and 903.1.1.2.

In North Lake Tahoe Fire Protection District all Group R-3 occupancies larger than ten thousand (10,000) square feet (3048 m²) in area or exceeding four (4) stories in height are required to have automatic sprinklers installed throughout in accordance with NFPA 13.

Section 903.3.1.3 NFPA 13D sprinkler systems

Section 903.3.1.3 is amended to read:

903.3.1.3 NFPA 13D sprinkler systems. *Automatic sprinkler systems* installed in one and two-family dwellings: Group R-3; Group R-4, Condition 1; and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D. NFPA 13D systems are not permitted in North Lake Tahoe Fire Protection District.

Section 903.4 Sprinkler system supervision and alarms

Section 903.4 is amended to read:

903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for *automatic sprinkler systems*, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a *listed* fire alarm control unit.

Exceptions:

1. *Automatic sprinkler systems* protecting one- and two-family dwellings.
2. Limited area systems in accordance with Section 903.3.8.
3. *Automatic sprinkler systems* installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the *automatic sprinkler system*, and a separate shutoff valve for the *automatic sprinkler system* is not provided.

4. Jockey pump control valves that are sealed or locked in open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position. This exception will not apply to any of the above- mentioned control valves if they are located in a building equipped with any fire alarm or protection system that is required to be monitored by a central station fire alarm company.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

Section 903.4.2 Alarms

Section 903.4.2 is amended to read:

903.4.2 Alarms. An approved audible ~~alarm notification appliance device, located on the exterior of the building in an approved location,~~ shall be connected to each *automatic sprinkler system*. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Approved alarm notification appliances shall be provided on the exterior of the building and within each tenant space on the interior of the building and in an approved location. When residential (single family dwelling) automatic sprinkler systems are provided, water flow activation shall provide occupant notification at all occupied levels and sleeping units, with minimum audible notification level of 75 dba sound pressure at pillow height. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system.

Section 903.4.3 Floor control valves

Amend Section 903.4.3 to read:

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor ~~in high-rise buildings~~ in multi-story facilities.

Section 906.2 General requirements

Section 906.2 is amended to read:

906.2 General requirements. Portable fire extinguishers shall be selected, installed, and maintained in accordance with this section and NFPA 10.

Exceptions:

1. Travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
2. Thirty-day inspections shall not be required, and maintenance shall be allowed to be ~~once every three years~~ annually for dry-chemical or halogenated agent portable fire extinguishers that are

supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:

- 2.1 Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2 Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3 The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
 - 2.4 Electronic monitoring devices and supervisory circuits shall be tested ~~every three years~~ annually when extinguisher maintenance is performed.
 - 2.5 A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.

Carbon dioxide, wet chemical, halogenated agent, AFFF and FFFP portable fire extinguishers shall be internally examined in accordance with NFPA 10, Table 7.3.1.1.2. All other portable fire extinguishers shall be internally examined annually.

Section 907.2.9.4 Automatic smoke detection systems in Group R-4

Section 907.2.9.4 is added to Section 907.2.9 Group R-2, to read:

907.2.9.4 Automatic smoke detection system in Group R-4. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in corridors, waiting areas open to corridors and habitable spaces other than sleeping units and kitchens.

Exceptions:

1. Smoke detection in habitable spaces is not required where the facility is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.
2. An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.

Section 907.2.10.2.1 Automatic smoke detection systems in Group R-3

Section 907.2.10.2.1 is added to Section 907.2.10.2 Groups R-2, R-3, R-4 and I-1, to read:

907.2.9.5 Automatic smoke detection system in Group R-3. In Truckee Meadows Fire Protection District automatic smoke detection system installed throughout and connected to a central station fire alarm company is required for additions that make the structure more than 5,000 square feet but less than 7,000 square feet.

Section 907.2.10.2.2 Alternative to single- and multiple-station smoke alarms

Section 907.2.10.2.2 is added to 907.2.10.2 Groups R-2, R-3, R-4 and I-1, to read:

907.2.10.2.2 Alternative to single- and multiple-station smoke alarms. Fire alarm in place of single and multiple-station smoke alarms may be replaced by an NFPA 72 Household compliant fire alarm system. Plans shall be submitted to the local fire authority and permit obtained prior to installation. All fire alarm installation contractors shall be required to be licensed by both the Nevada State Contractors Board and Nevada State Fire Marshal (F license).

Section 907.5.2.1.1 Average sound pressure

Section 907.5.2.1.1 is amended to read:

907.5.2.1.1 Average sound pressure. The audible alarm notification appliances shall provide a sound pressure level of 15 decibels (dBA) above the average ambient sound level or 5 dBA above the maximum sound level having a duration of at least 60 seconds, whichever is greater, in every occupiable space within the building. The minimum sound pressure levels shall be 90 dBA in mechanical equipment rooms and 80 dBA in all other occupancies.

Section 910.2.2 High-piled combustible storage

Section 910.2.2 is amended to read:

910.2.2 High-piled combustible storage. Smoke and heat removal required by Table 3206.2 for buildings and portions thereof containing high-piles combustible storage shall be installed in accordance with Section 910.3 in unsprinklered buildings. In buildings and portions thereof containing high-piled combustible storage equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, a smoke and heat removal system shall be installed in accordance with 910.3 or 910.4. Smoke and heat vents shall be activated by manual controls only per Section 910.4.4. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with 910.4 shall be installed.

Section 912.5.1 Service area

Section 912.5.1 is added to Section 912.5 Signs, to read:

912.5.1 Connection sign. An approved all-weather sign indicating the buildings address or areas services by a sprinkler or standpipe system shall be permanently mounted and maintained on all fire department connections when required by the fire code official.

Section 913.4 Valve supervision

Section 913.4 is amended to read:

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods.

1. Central-station, proprietary or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a constant attended location.
- ~~3. Locking valves open.~~
- ~~4. Sealing of valves and approved weekly recorded inspection where valves are located within fenced enclosures under the control of the owner.~~

Section 914.3.8 Fire fighter air replenishment systems

Section 914.3.8 is added to Section 914.3 High-rise buildings, to read:

914.3.8 Fire fighter air replenishment systems. A fire fighter air replenishment system shall be provided in all new high-rise buildings of ten (10) or more stories in height. The fire fighter breathing air system installation and maintenance shall comply with Appendix L F of the Uniform Plumbing Code. Inspection records shall be kept on site and shall be readily available to the fire code official.

Section [BE] 1023.9.1 Signage requirements

Section [BE] 1023.9.1 is amended to read:

[BE] 1023.9.1 Signage requirements. Stairway identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches (457 mm) by 12 inches (305 mm).
2. The letters designating the identification of the interior exit stairway and ramp shall be not less than 1 ½ inches (38 mm) in height.
3. The number designating the floor level shall be not less than 5 inches (127 mm) in height and located in the center of the sign.
4. Other lettering and numbers shall be not less than 1 inch (25 mm) in height.
5. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.
6. Where signs required by Section 1023.9 are installed in the interior exit stairways and ramps of buildings subject to Section 1025, the signs shall be made of the same materials as required by Section 1025.4.

7. The background color of the sign shall be green if roof access is available from the signed stairway. The background color of the signs shall be red if roof access is not available from the signed stairway.

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Chapter 11 is deleted.

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Section 3903.2 Prohibited occupancies

Section 3903.2 is amended to read:

3903.2 Prohibited occupancies. Extraction processes utilizing flammable gases or flammable ~~cryogenic fluids~~ liquids shall not be located in a building containing a Group A, E, I or R occupancy.

Section 3903.3 Location

Section 3903.3 is amended to read:

3903.3 Location. The extraction equipment and extraction processes utilizing hydrocarbon solvents shall be located in a room or area dedicated to extraction. For other than CO₂ and nonhazardous extraction process, the marijuana extraction equipment and process shall be located in a room of noncombustible construction dedicated to the extraction process and the room shall not be used for any other purpose.

Section 3903.5 Use of flammable and combustible liquids

Section 3903.5 is amended to read:

3903.5 Use of flammable and combustible liquids. ~~The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Extraction and post oil processing operations, including dispensing of flammable liquids between containers, shall be performed in one of the following locations:~~

1. A chemical fume hood in accordance with Chapter of NFPA 45.
2. A room with an approved exhaust system installed in accordance with the International or Uniform Mechanical Code.

Electrical equipment used within the hazardous exhaust fume hood shall be rated for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

Exception 1: The use of a heating element not rated for flammable atmospheres, where documentation from the manufacture, or approved testing laboratory indicates the element is rated for heating of flammable liquids.

Exception 2: Unheated processes at atmospheric pressure using less than 16 oz. (473 ml) of flammable liquids shall not be required to comply with 3903.5(1) or 3903.5(2).

Section 3903.5.1 Electrical components

Section 3903.5.1 is added to Section 3903.5 Use of flammable and combustible liquids, to read:

3903.5.1 Electrical components. All electrical components within the chemical fume hood or exhausted enclosure shall be approved permanent wiring, interlocked such that the exhaust system shall be in operation for lighting and components to be used.

Section 3903.6 Liquefied petroleum gas

Section 3903.6 is amended to read:

3903.6 Liquefied petroleum gas. Liquefied petroleum gases (LPG) shall not be released to the atmosphere except where released in accordance with Section 7.3 of NFPA 58. LPG liquid piping systems shall be in compliance with NFPA 58.

Sections 3903.6.1 Exhaust

Section 3903.6.1 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.1 Exhaust. An approved exhaust system shall be provided for LPG extractions.

Section 3903.6.1.1 Installation

Section 3903.6.1.1 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.1.1 Installation. The exhaust systems shall be installed and maintained accordance with the International or Uniform Mechanical Code as adopted by the Authority Having Jurisdiction.

Section 3903.6.1.2 Processes

Section 3903.6.1.2 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.1.2 Processes. All LPG extraction operations, including processes for off- spent plant material and oil retrieval, shall be conducted within a chemical fume hood, enclosure, or room in compliance with the International or Uniform Mechanical Code as adopted by the Authority Having Jurisdiction.

Section 3903.6.2 Electrical bonding and grounding

Section 3903.6.2 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.2 Electrical bonding and grounding. All conductive equipment and conductive objects within the exhaust room shall be bonded and grounded with a resistance of less than 1.0×10^6 ohms in accordance with NFPA 70.

Section 3903.6.2.1 Classified areas

Section 3903.6.2.1 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

3903.6.2.1 Classified areas. The area within a hood or enclosure used of LPG extractions shall be classified as a Class 1, Division 1 hazardous location in accordance with NFPA 70. Areas adjacent to Class 1, Division 1 locations shall be classified in accordance with NFPA 70.

Section 3903.6.2.2 Interlocks

Section 3903.6.2.2 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

3903.6.2.2 Interlock. All electrical components within the extraction room shall be interlocked with the hazardous exhaust system such that room lighting and other extraction room electrical equipment will only operate when the exhaust system is in operation.

Section 3903.6.2.3 Emergency power

Section 3903.6.2.3 is added to Section 3903.6. Electrical bonding and grounding, to read:

3903.6.2.3 Emergency Power. An automatic emergency power system shall be provided for the following items, when installed:

1. Extraction room lighting
2. Extraction room ventilation system
3. Solvent gas detection system

Section 3903.6.2.4 Gas detection systems

Section 3903.6.2.4 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

3903.6.2.4 Gas detection systems. Gas detection systems shall be provided with constant non-interlocked power.

Section 3903.7 Carbon dioxide extraction

Section 3903.7 is added to Section 3903 PROCESSING AND EXTRACTION, to read:

3903.7 Carbon dioxide extraction. Carbon Dioxide extraction shall comply with sections 3903.7.1, 3903.7.2, and 3903.7.3

Section 3903.7.1 Storage and handling

Section 3903.7.1 is added to Section 3903.7 Carbon dioxide extraction, to read:

3903.7.1 Storage and handling. All CO₂ compressed gas cylinders shall be secured in approved method to prevent falling.

Section 3903.7.2 CO₂ gas detection

Section 3903.7.2 is added to Section 3903.7 Carbon dioxide extraction, to read:

3903.7.2 CO₂ Gas Detection. An approved, listed CO₂ detection system complying with 5307.4.3 shall be installed in the CO₂ extraction room. Auto-calibrating and self-zeroing devices or detectors shall be prohibited.

Section 3903.7.3 CO₂ discharge

Section 3903.7.3 is added to Section 3903.7 Carbon dioxide extraction, to read:

3903.7.3 CO₂ discharge. The extraction equipment pressure relief devices and blow-off valves shall be piped to the exterior of the building.

Section 3903.8 Means of egress

Section 3903.8 is added to Section 3903 PROCESSING AND EXTRACTION, to read:

3903.8 Means of Egress. For extraction rooms using hazardous materials, each room shall be provided with at least one exit access door complying with the following:

1. The door shall swing in the direction of egress travel.
2. The door shall be provided with a self-closing or automatic closing device.
3. The door shall be equipped with panic or fire exit hardware.
4. The exit access travel distance cannot be increased as allowed in Section 1017.2.2 for extraction/cultivation facilities.

Section 3903.9 Signage

Section 3903.9 is added to Section 3903 PROCESSING AND EXTRACTION, to read:

3903.9. Signage. The NFPA 704 hazard rating diamond sign, minimum 10" in size, and no smoking signs shall be posted on the exterior of the extraction room door.

Section 3903.9.1 Safety data sheets

Section 3903.9.1 is added to Section 3903.9 Signage, to read:

3903.9.1 Safety data sheets. All applicable safety data sheets (SDS) shall be posted in the approved location.

Section 3903.9.2 Warning signage

Section 3903.9.2 is added to Section 3903.9 Signage, to read:

3903.9.2 Warning signage. Applicable hazard warning signage shall be posted throughout the facility as applicable for emergency equipment.

Section 3904.4 Site inspection

Section 3904.4 is amended to read:

3904.4 Site inspection. Prior to the operation of the extraction equipment, the engineer of record or *approved* professional, as *approved* in Section 3904.2, shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The engineer of record or *approved* professional shall provide a report of findings to the *fire code official* prior to the approval of the extraction process. The field inspection report authored by the engineer of record shall include the serial number of the equipment used in the process and shall confirm that the equipment installed is the same model and type of equipment identified in the technical report.

Section 3904.5 Change of extraction medium

Section 3904.5 is added to Section 3904 SYSTEMS AND EQUIPMENT, to read:

3904.5 Change of Extraction Medium. Where the medium of extraction or solvent is changed from the material indicated in the technical report or as required by the manufacturer, the technical report shall be revised at the cost of the facility owner and submitted for review and approval by the Fire Code Official prior to the use of the equipment with the new medium or solvent.

Section 5601.1.3 Fireworks

Amend Section 5601.1.3 to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. ~~The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.~~

Section 5601.1.6 Exploding targets

Section 5601.1.6 is added to Section 5601.1 Scope, to read:

5601.1.6 Exploding targets. The possession, manufacture, sale, and use of exploding targets, including binary exploding targets, are prohibited.

Section 6101.1 Scope

Section 6101.1 is amended to read:

6101.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58. In the event of a conflict between any provision in this chapter and the regulations of the Board for the Regulation of Liquefied Petroleum Gas, the regulations of the Board take precedence.

APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

Appendix B is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.

Section B102 Definitions

The following definition is added in Section B102 Definitions to read:

Special Fire Protection Problem Facilities. Special Fire Protection Problem Facilities are those facilities that consist of uses similar to fires that may result in large size fires or fires with high heat release such as bulk flammable liquid storage, bulk flammable gas storage, large varnish and paint factories, some plastics manufacturing and storage, aircraft hangars, distilleries, refineries, lumberyards, grain elevators, chemical plants, coal mines, tunnels, subterranean structures, storage facilities, and warehouses using high rack/piled storage for flammables or pressurized aerosols.

Section B103.3 Areas without water supply systems

Section B103.3 is amended to read:

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize the International Wildland-Urban Interface Code or NFPA 1142 where the site is not considered as a "special fire protection problem" as defined as defined in Section B102.

Table B105.2 Required Fire Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

Table B105.2 of Appendix B Fire-Flow Requirements for Buildings is amended to read as follows:

TABLE B105.2

REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY

DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
No auto sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the International Fire Code	25 <u>50</u> % of the value in Table B105.1(2) ^{bb}	Duration in Table B105.1(2) at the reduced flow rate

Section 903.3.1.2 of the International Fire Code	25 <u>50</u> % of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate
--	--	--

For SI: 1 gallon per minute = 3.785 L/m.

- a. ~~The reduced flow rate shall be not less than 1,000 gallons per minute.~~
- b. The reduced flow rate shall be not less than 1,500 gallons per minute.

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Appendix C is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.1.

Section C102.2 Distance to a Fire Department Connection (FDC)

Section C102.2 is added to Section C102 Number of Fire Hydrants for a building to read:

C102.2 Distance to a Fire Department Connection (FDC). The maximum distance from a fire hydrant to a fire department connection (FDC) supplying fire sprinklers and/or standpipes shall not exceed 100 feet, or as determined by the fire code official.

APPENDIX D FIRE APPARATUS ROADS

Appendix D is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.1.

APPENDIX L REQUIREMENTS FOR FIRE FIGHTER AIR REPLENISHMENT SYSTEMS

Appendix L is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.1.



Storey County Fire District Board Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 5 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Discussion and possible action on Bill No. 103, first reading of Ordinance No. 18-294, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

2. **Recommended motion:** I move to approve the first reading of Ordinance No. 18-294.

3. **Prepared by:** Robert Morris, outside counsel
Jeff Nevin, Fire Chief

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:**

The 2018 editions of the International Codes are ready for adoption by the County. In addition to the adoption of the codes by the Board of County Commissioners to add the 2018 International Codes to the Storey County Code, staff is requesting that the Board of Directors for the Fire District review and approve the regulation as part of their duties. Participating organizations in northern Nevada have reviewed the new codes and have approved the 2018 Northern Nevada Amendments (to those codes) published by the Northern Nevada Chapter of the International Code Council. Staff recommends approval of the attached ordinance. (Continued on next page)

5. **Supporting materials:** Ordinance 18-294, 2018 Northern Nevada Amendments (Attached to previous item.)

6. **Fiscal impact:** No change on the fiscal impact on local government.

7. **Legal review required:** Yes

PLM District Attorney

8. **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other agency review: Fire Protection District

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

4. Staff summary continued:

The changes are generally described as follows:

1. The Fire District Board adopts the 2018 International Fire Code (IFC), the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments to those codes pursuant to NRS 474.160, *which directs the board to adopt necessary regulations.*

2. There is a change to how appeals are done. The existing section 15.04.080 (C) in Storey County Code that sends appeals of the fire marshal to the state fire marshal is deleted and replaced with a new section that send all fire marshal appeals to the appeals board created under section 15.08.060.

3. The ordinance deletes most of Storey County Code chapter 15.04.080 Fire district requirements that essentially copied most of the 2012 northern Nevada amendments into the code. With the adoption of new codes the fire district will rely on the language in the 2018 International Fire Code and the 2018 Northern Nevada Amendment.

Bill No. 103

Ordinance No. 18-294

Summary

An ordinance amending chapter 15.04 Buildings and Construction, to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and amending chapter 15.08.060 Appeal from decisions.

Title

An ordinance amending Storey County Code chapter 15.04 Buildings and Construction, to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, amending chapter 15.08.060 Appeal from decisions, and providing for other properly related matters.

Preamble

The Storey County Board of County Commissioners and the Storey County Fire District Board desire to update the uniform codes that regulate the building of structures within the county. There is a concern that the new codes be implemented quickly and effectively so that the public will benefit from their use and that there is be a clear transition for the new codes to apply to proposed projects. The 2018 codes will be effective in 6 months from the effective date of this ordinance and all projects will be required to be use the 2018 codes after that date. Projects that are initiated under the 2012 codes may be completed under the 2012 codes. The building official will have the discretion to determine the appropriate code for a project. Any project may agree to have the 2018 codes apply before the effective date of this ordinance.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

Section I: Chapter 15.04 is amended as follows:

15.04.010 Adoption of International and Uniform codes.

In order to regulate all matters relating to the construction, maintenance and safety of buildings structures and property within the county, the board, pursuant to NRS 244.3675 and NRS 278.580, adopts the following codes to be in force:

A. The 2012 International Fire Code (IFC)

B. The 2012 International Wildland Urban Interface Code (IWUI), with the exception of Section 602 Residential Fire Sprinkler requirements.

C. The 2017 National Fire Protection Association Standards (NFPA)

D. The 2018 Northern Nevada Fire Code Amendments

~~A. The 2012 International Fire Code (IFC) and Appendices B, C, and D, with the amendments in section 15.04.08~~

~~B. The 2012 of the International Building Code (IBC), chapters 1 through 35 and Appendices C, E, I, and J, with the amendments in section 15.04.060 and 15.08.060.~~

~~C. The 2012 International Residential Code (IRC), chapters 1 through 44, and Appendices A, B, C, G, H, J, K, and M, with the amendments in section 15.04.060 and 15.08.060.~~

~~D. The 2012 International Existing Building Code (IEBC), chapters 1 through 16.~~

~~E. The 2009 International Energy Conservation Code (IECC), chapters 1 through 6.~~

~~F. The 2012 International Fuel Gas Code (IFGC), chapters 1 through 7 and Appendices.~~

~~G. The 2012 Uniform Mechanical Code (UMC), chapters 2 through 17, and Appendices A, B, C.~~

~~H. The 2012 International Mechanical Code (IMC), chapters 1 through 15, and Appendix A.~~

~~I. The 2012 Uniform Plumbing Code (UPC), chapters 2 through 17, and Appendices A, B, D, E, F, L, and I.~~

~~J. The 2011 National Electrical Code (NEC), chapters 1 through 9.~~

~~K. The 2012 International Swimming Pool and Spa Code (ISPSC), chapters 1 through 11.~~

~~L. The 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB).~~

~~M. The 2012 International Wildland Urban Interface Code amendments in section 15.04.080.~~

~~N. The 2012 Northern Nevada Amendments published by the Northern Nevada Chapter of the International Code Council. Copies available at www.nnicc.org.~~

~~O. The 2011 Northern Nevada Energy Code Amendments published by the Northern Nevada Chapter of the International Code Council.~~

Where conflicts occur between the codes *and amendments* referenced above and *this chapter, or if this chapter is more restrictive, this chapter will apply.* the following amendments, the amendments will apply. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.040 Copies on file.

Copies of the latest adopted codes in section 15.04.010 and "Standard Details and Specifications for Public Works Construction" must be kept in the offices of the public works or building department. The latest editions of the International Fire Code, International Building Code, the International Wildland Urban Interface Code, and NFPA Standards must be kept at the *community development* fire district offices. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

15.04.080 Fire district requirements.

A. The following amendments *in addition to the 2018 Northern Nevada Amendments to the 2018 International Fire Code* apply to the International Fire Code:

B C. All sections of the International Fire Code and the International Wildland Urban

Interface Code adopted in section 15.04.010 that refer to a board of appeals, including IFC109, are amended and ~~in order to hear and decide the~~ all appeals of orders, decisions, or determinations made by the fire ~~marshal~~ chief, the following must follow the process in SCC 15.04.090 will be used:

~~1. Any person dissatisfied with the decisions of the fire chief as applied to the person's case may appeal the decision in writing to the state fire marshal for relief within thirty days from the decision of the fire chief. The state fire marshal must make a decision to uphold or reverse the decision of the building official. The decision of the state fire marshal is final and the fire chief must implement the decision.~~

~~2. If the state fire marshal agrees with the fire chief the person may pursue his legal remedies before the appropriate tribunal. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)~~

15.04.090 Violation--Criminal penalty.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor. (Ord. No. 14-255, § II, 5-19-2014; Ord. 13-249, 2013; Ord. 172 § 1(part), 2000)

Section II: Chapter 15.08 is amended as follows:

15.08.060 Appeal from decisions.

A. In order to hear and decide appeals of orders, decisions, or determinations made by the building official about the application and interpretation of the currently adopted building and uniform codes or any amendments, or made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments, there is created a ~~building~~ board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and fire-safety, who are not employees of the jurisdiction. The board of appeals may not waive the requirements of this code. The building official is an ex officio member of the board of appeals and will act as its secretary, but has no vote on any matter before the board. The board of appeals appointed by the board of county commissioners will convene when an appeal has been filed. The board of appeals may adopt rules of procedure for conducting its business, and must render all decisions and findings in writing to the appellant with a duplicate copy to the building official or fire marshal.

B. The board of appeals has no authority to interpret the administrative provisions of this code except for decisions of the building official about modifications, alternative materials, alternate designs, methods of construction and uncovering work for inspections.

C. The board of county commissioners must appoint three members to the ~~building~~ board of appeals, one of whom must be an architect, engineer, or a general contractor licensed by the State of Nevada, one of whom must be a person with experience as a fire protection professional, and one of whom must represent the public at large.

The terms for all board members are for a period of two years. If a position becomes vacant for any reason, the vacancy must be filled for the duration of the unexpired term of the member by a majority vote of the board.

D. Any individual may appeal an order, decision or determination made by the building official *or fire marshal*, except as limited by section B above, to the board of appeals by filing a written notification of appeal with the secretary to the board of appeals within 10 working days of the decision. The board of appeals must hold a hearing within 30 days from the receipt of the written notice of appeal unless the appellant agrees to an extension of the time limit. If the applicant has not submitted written notification of appeal within the time frame, the action of the building official *or fire marshal* is final.

E. All hearings on appeal pursuant to this section are open to the public. All written materials introduced must be identified for the record, and the board may request the production of records and the appearance of persons necessary for their deliberations. The technical rules of evidence do not apply. Any evidence presented to the board of appeals must be relevant to the issue before the board.

F. At the conclusion of the hearing the board of appeals must rule within 20 days from the date of the hearing and state its findings and recommendations on the appeal. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

Section III: Section 15.12.020 is amended is follows:

15.12.020 Application contents and fee.

A. The application for a building permit must be made on forms provided by the building official, and must contain the following information:

1. Name and address of applicant;
2. Identify and describe the work to be covered by the permit;
3. Primary contractor's name, address and Nevada State license number;
4. If submitted under NAC 624 as an owner-builder. A written acknowledgment of the owner-builder restriction statement per NRS 278.573;
5. A description of the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed work.
6. The intended use and occupancy of the proposed work.
7. Any construction documents or other information required by code.
8. Subcontractor's name, address and Nevada State license number;
9. Residential designer, address and Nevada State license number;
10. Architect's name, address and Nevada State license number;
11. Engineer's name, address and Nevada State license number;
12. Cost of work, based on the retail price or a contractor's price for such work;
13. Date the work is to commence and the estimated date of completion.

B. Permit fees. Applications for building permits must be accompanied by the fees established by resolution of the board, which resolutions are on file in the county building

department.

C. Plan review fees. In addition to any other fee required in connection with an application or permit, when submittal documents are required a plan review fee must be paid at the time of submitting the construction documents for plan review. The plan review fee is 65 percent of the building permit fee unless set by resolution of the board. (Ord. No. 14-255, § II, 5-19-2014; Ord. 172 § 1(part), 2000)

Section IV: This ordinance will become effective on _____, 2018.

Proposed on _____, 2018.

by Commissioner _____

Passed on _____, 2018.

Vote: Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____

Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2018.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: February 6, 2018

Estimate of time required: 15 minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. **Title:** Consideration and possible approval of interlocal agreement with NDOT regarding maintenance and repairs of traffic signal at Electric Avenue and State Route 439.
2. **Recommended motion:** I _____ (Commissioner) move to approve the interlocal agreement between Storey County and NDOT regarding the maintenance and repairs of the traffic signal at the intersection of Electric Way and SR 439 and authorize the public works director to sign.

3. **Prepared by:** Keith Loomis

Department: District Attorney's Office

Telephone: 847-0964

4. **Staff summary:** NDOT has requested that Storey County enter into an interlocal agreement pursuant to which Storey County will provide for the maintenance and repairs of the traffic signal at the intersection of SR 439 and Electric Avenue. Storey County will provide for the maintenance and repairs to the signal and NDOT will reimburse the Storey County for the costs of maintenance and repairs to the extent they exceed \$1,500.00 or the costs were incurred due to an emergency. It should be noted that Storey County has entered into a separate agreement with Carson City to do the actual maintenance and repairs to the traffic signal.

5. **Supporting materials:** Proposed Interlocal Agreement

6. **Fiscal impact:**

Funds Available:

Fund:

_____ Comptroller

7. **Legal review required:**

___X___ District Attorney

8. **Reviewed by:**

____ Department Head
____ County Manager

Department Name: _____
Other agency review: _____

9. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.

Agreement Number NM389-18-016

INTERLOCAL AGREEMENT

This AGREEMENT, made and entered into on _____, by and between the State of Nevada, acting by and through its Department of Transportation, hereinafter called the "DEPARTMENT", and Storey County, PO Box 435, Virginia City, NV 89440, hereinafter called the "AGENCY". Individually they are each a "Party" and collectively they are the "Parties."

WITNESSETH:

WHEREAS, an Interlocal AGREEMENT is defined as an AGREEMENT by public agencies to "obtain a service" from another public agency; and

WHEREAS, pursuant to the provisions contained in Chapter 408 of the Nevada Revised Statutes, the Director of the DEPARTMENT may enter into agreements necessary to carry out the provisions of the Chapter; and

WHEREAS, NRS 277.180 authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the agreement is authorized by law to perform and refers to such as an interlocal contract; and

WHEREAS, the purpose of this Agreement is to establish roles and responsibilities for ownership, maintenance, operation, upgrade, and repair of a traffic signal systems, hereinafter called "SIGNAL SYSTEM;" and

WHEREAS, this Agreement supersedes and replaces any other existing Agreement or Agreement language pertaining to the SIGNAL SYSTEMS that govern traffic movements along the DEPARTMENT's State Maintained Highways and Routes. Portions of these SIGNAL SYSTEMS may also be located within the AGENCY's jurisdictional boundaries or may be included entirely by virtue of prior maintenance responsibilities. Exhibit A will list all SIGNAL SYSTEMS; and

WHEREAS, the SIGNAL SYSTEM services of the AGENCY will be of benefit to the DEPARTMENT, the AGENCY and to the people of the State of Nevada; and

WHEREAS, the SIGNAL SYSTEMS consist of pole foundations, signal lights, supporting arms and poles, luminaire arms and luminaires attached to signal poles, signal controller, controller cabinet and internal components, power service, battery back-up, conductors, detection system, intersection and interconnect cabling, advance flashers, and all related equipment to make the traffic signals fully functional; and

WHEREAS, capital improvements are not included in this Agreement and are defined as new SIGNAL SYSTEMS or major modifications to SIGNAL SYSTEMS in Exhibit A that otherwise need to be administered by permit; and

WHEREAS, the Parties hereto are willing and able to perform the services described herein.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, it is agreed as follows:

ARTICLE I – AGENCY AGREES

1. To operate, maintain, upgrade and provide necessary labor and electrical power for all SIGNAL SYSTEMS and all related ancillary components required to safely operate and maintain the SIGNAL SYSTEMS in Exhibit A. Maintenance, repair, upgrade and operational standards and practices shall be consistent with applicable state and national standards and guidelines.
2. To invoice the DEPARTMENT for one hundred percent (100%) of the replacement/repair cost for all SIGNAL SYSTEMS equipment replaced or repaired due to incidental damages, provided replacement/repair costs exceed One Thousand Five Hundred and No/100 Dollars (\$1,500.00) and are unrecoverable by insurance or other means.
3. To invoice the DEPARTMENT for one hundred percent (100%) of emergency replacement or repair costs without prior written agreed upon costs associated to the SIGNAL SYSTEMS. All invoices submitted for emergency costs (unrecoverable by insurance) shall contain documentation that fully describes the emergency situation and justification for the claim.
4. To notify the DEPARTMENT in writing and obtain written approval from the DEPARTMENT for unforeseen work (not otherwise explained in this agreement) any SIGNAL SYSTEM in Exhibit A in which the AGENCY is wanting to be reimbursed by the DEPARTMENT.
5. To invoice the DEPARTMENT after maintenance, repairs, upgrade or replacement of the agreed upon work has been successfully completed by the AGENCY.
6. To submit to the DEPARTMENT any as built plans or documentation of enhanced maintenance work performed on SIGNAL SYSTEMS. The documentation submitted shall reference this Agreement number on the first page of each submittal.
7. To provide the DEPARTMENT District Engineer a list of anticipated SIGNAL SYSTEM maintenance, repairs or upgrades exceeding One Thousand Five Hundred and No/100 Dollars (\$1,500.00) each along with an estimated annual cost for which the AGENCY will request reimbursement. This list shall be delivered to the DEPARTMENT District Engineer within thirty (30) calendar days of initial execution of this agreement and by the 31st day of January of each year thereafter to enable budgeting of necessary funds. Available funding may impact approval of work requiring reimbursement.
8. To perform routine maintenance and coordinate with the DEPARTMENT Permit Office at (775) 834-8300, two (2) working days prior to performing scheduled maintenance activities and provide information regarding the nature of the activity and planned traffic control information. The Permit Office will prepare required highway restriction reports and coordinate with affected DEPARTMENT operations.
9. To notify DEPARTMENT with as much notice as possible if emergency repair activities cause significant impact to traffic, require lane closures, or require excavation through improved surfaces of the roadway. For emergencies during business hours, notify the DEPARTMENT Permit Office at (775) 834-8300 and during non-business hours, Utilities 24/7 Hotline at (775) 834-8488.

ARTICLE II - DEPARTMENT AGREES

1. To fund one hundred percent (100%) of the replacement/repair costs for SIGNAL SYSTEMS equipment replaced or repaired due to incidental damages, provided

replacement/repair costs exceed One Thousand Five Hundred and No/100 Dollars (\$1,500.00) and are unrecoverable by insurance or other means.

2. To fund one hundred percent (100%) of emergency replacement or repair costs without prior written agreed upon costs (unrecoverable by insurance) associated with the SIGNAL SYSTEMS.

3. To fund one hundred percent (100%) of cost for approved unforeseen work on the SIGNAL SYSTEMS.

4. To fund one hundred percent (100%) of the costs for the anticipated SIGNAL SYSTEM maintenance, repairs or upgrades exceeding One Thousand Five Hundred and No/100 Dollars (\$1,500.00) each provided that the list is received by the DEPARTMENT District Engineer on time (as noted in Article I, Paragraph 7) and the budget for reimbursement is approved.

5. To process each of the AGENCY's invoices upon validation of costs and within thirty (30) days upon receipt.

ARTICLE III - IT IS MUTUALLY AGREED

1. The term of this Agreement shall be from the date first written above through and including two years from date above. This Agreement shall be automatically renewed for an additional two-year period on the last day of each two-year term unless a Party notifies the other Party in writing within thirty (30) calendar days prior to the automatic renewal of this Agreement of its intention that this Agreement expire at the completion of the two-year term then in effect.

2. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each Party.

3. The DEPARTMENT retains ownership of all SIGNAL SYSTEMS that govern traffic movements along the DEPARTMENT's State Maintained Highways/Routes within the DEPARTMENT's right-of-way. Portions of these SIGNAL SYSTEMS may be located within the AGENCY's jurisdictional boundaries or may be included entirely by virtue of prior maintenance responsibilities. Exhibit A lists all applicable SIGNAL SYSTEMS.

4. A current listing of SIGNAL SYSTEMS has been mutually agreed upon and signed by both Parties and is attached as Exhibit A. As SIGNAL SYSTEMS are added and subtracted from the listing due to new construction, relinquishment of roadways or other occurrences, the DEPARTEMENT District Engineer and the AGENCY Public Works Director will agree upon any revisions and sign and date an updated Exhibit A. The updated Exhibit A will replace each succeeded Exhibit A and be available in each Party's records office.

5. The AGENCY is exempt from being required to obtain a formal permit from the DEPARTMENT for routine maintenance work on the SIGNAL SYSTEMS. The required coordination with the Department Permit Office is set forth in Article I, Paragraph 8.

6. If the AGENCY annexes areas with SIGNAL SYSTEMS within DEPARTMENT rights-of-way, then this agreement shall supersede any previous agreements for these devices.

7. This Agreement may be terminated by either Party prior to the date set forth above, provided that a termination shall not be effective until thirty (30) days after a Party has served written notice upon the other Party. This Agreement may be terminated by mutual consent of both Parties or unilaterally by either Party without cause. The Parties expressly agree that this

Agreement shall be terminated immediately if for any reason federal and/or State Legislature funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

8. All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by facsimile with simultaneous regular mail, or by certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other Party at the address set forth below:

FOR DEPARTMENT:

Rudy Malfabon, P.E., Director
Attn.: Kevin Maxwell, P.E., SLI Manager
Nevada DEPARTMENT of Transportation
Division: Traffic Operations
1263 South Stewart Street
Carson City, Nevada 89712
Phone: (775) 888-7087
E-mail: kmaxwell@dot.nv.gov

FOR AGENCY:

Jason Wierzbicki, Assistant Director
Storey County Public Works
PO Box 435
Virginia City, NV 89440
Phone: (775) 847-0958
E-mail: jwierzbicki@storeycounty.org

9. Each Party agrees to keep and maintain under generally accepted accounting principles full, true, and complete records and documents (written, electronic, computer related, or otherwise) pertaining to this Agreement and present, at any reasonable time, such information for inspection, examination, review, audit, and copying at any office where such records and documentation are maintained. Such records and documentation shall be retained for three (3) years after final payment is made.

10. Failure of either Party to perform any of its obligation under this Agreement shall be deemed a breach. Except as otherwise provided for by law or this Agreement, the rights and remedies of the Parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to the recovery of actual damages, and the prevailing Party's reasonable attorney's fees and costs.

11. The Parties do not waive and intend to assert available NRS Chapter 41 liability limitations in all cases. Agreement liability of both Parties shall not be subject to punitive damages. Actual damages for any DEPARTMENT breach shall never exceed the amount of funds which have been appropriated for payment under this Agreement, but not yet paid, for the fiscal year budget in existence at the time of the breach.

12. Neither Party shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including without limitations, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the Party asserting such an excuse, and the excused Party is obligated to promptly perform in accordance with the terms of the Agreement after the intervening cause ceases.

13. To the fullest extent of NRS Chapter 41 liability limitations, each Party shall indemnify, hold harmless, and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorney's fees and costs, arising out of any alleged negligent or willful acts or omissions of the Party, its officers, employees, and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity, which would otherwise exist as to any Party or person, described herein. This indemnification obligation is conditioned upon service of written notice to the other Party within thirty (30) calendar days of the indemnified Party's notice of actual or pending claim or cause of action. The indemnifying Party shall not be liable for reimbursement of any attorney's fees and costs incurred by the indemnified Party due to said Party exercising its right to participate with legal counsel.

14. The Parties are associated with each other only for the purposes and to the extent set forth in this Agreement. Each Party is and shall be a public agency separate and distinct from the other Party and shall have the right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Agreement. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

15. Failure to declare a breach or the actual waiver of any particular breach of this Agreement or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

16. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of this Agreement and this Agreement shall be construed as if such provision did not exist. The unenforceability of such provision or provisions shall not be held to render any other provision or provisions of this Agreement unenforceable.

17. Neither Party shall assign, transfer, or delegate any rights, obligations, or duties under this Agreement without the prior written consent of the other Party.

18. Except as otherwise provided by this Agreement, all or any property presently owned by either Party shall remain in such ownership upon termination of this Agreement, and there shall be no transfer of property between the Parties during the course of this Agreement.

19. Pursuant to NRS Chapter 239, information or documents may be open to public inspection and copying. The Parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interests.

20. Each Party shall keep confidential all information, in whatever form, produced, prepared, observed, or received by that Party to the extent that such information is confidential by law or otherwise required by this Agreement.

21. The Parties hereto represent and warrant that the person executing this Agreement on behalf of each Party has full power and authority to enter into this Agreement and that the Parties are authorized by law to perform the services set forth herein.

22. This Agreement and the rights and obligations of the Parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The Parties consent to the exclusive jurisdiction of the Nevada state district courts for enforcement of this Agreement.

23. It is specifically agreed between the Parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

24. This Agreement constitutes the entire Agreement of the Parties and such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other Agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto and approved by the Attorney General.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

Storey County Public Works

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Director

Name (Print)

Title (Print)

Approved as to Legality & Form:

Deputy Attorney General

Name (Print)

Title (Print)

Approved as to Form:

Attorney

Exhibit A

List of Signal Systems

Intersections along SR 439 USA Parkway

Electric Avenue
I 80 westbound ramp intersection at the SR 439 (USA Parkway) interchange

DocuSigned by: <i>Richard Bosch</i> District 2 Engineer	09/04/2018 Date	Storey County Public Works Director	Date
---	--------------------	--	------



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 09/18/18

Estimate of time required: 20 min.

Agenda: Consent [] Regular agenda [x] Public hearing required [x]

1. **Title: Discussion/For Possible Action:** Board of County Commissioners (board) to appoint two members of the board to serve on the Storey County Regional Transportation Commission (RTC) in accordance with Storey County Codes 2.44 and 3.80. The term will be until December 31 of the next even numbered year, that being 2020.

2. **Recommended motion:**

a. **RTC Commissioner 1 appointment:** In accordance with Storey County Code 2.44 and 3.80, I (commissioner) nominate Commissioner () to serve on the Storey County Regional Transportation Commission for a term lasting until December 31, 2020.

b. **RTC Commissioner 2 appointment:** In accordance with Storey County Code 2.44 and 3.80, I (commissioner) nominate Commissioner () to serve on the Storey County Regional Transportation Commission for a term lasting until December 31, 2020.

3. **Prepared by:** Austin Osborne

4. **Department:** Human Resources

Telephone: 775.847.0968

5. **Staff summary:** This action appoints two members of the newly created Storey County RTC. These members will serve concurrent terms lasting until December 31, 2020. A third and final member of the RTC will be served by a qualified Storey County resident appointed by the Board of County Commissioners. The first and second members' terms will alternate from the third member's term.

6. **Supporting materials:** None

7. **Fiscal impact:** None on local government.

Funds Available:


Fund:

____ Comptroller

8. **Legal review required:**

____ District Attorney

9. **Reviewed by:**

 Department Head

Department Name:

 County Manager

Other agency review: _____

10. **Board action:**

☐ Approved
☐ Denied

☐ Approved with Modifications
☐ Continued

Agenda Item No.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: September 18, 2018

Estimate of time required: 15 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☒

1. **Title: Discussion/Possible Action:** Road Abandonment Request 2018-032, a request to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.
2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I [County Commissioner], hereby move to approve the abandonment of a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.
3. **Prepared by:** Kathy Canfield
4. **Department:** Planning **Telephone:** 775.847.1144
5. **Staff summary:** See enclosed Staff Report No. 2018-032 and public comment received 9-6-18.
6. **Supporting materials:** Enclosed Staff Report No. 2018-032 and public comment received 9-6-18
7. **Fiscal impact:** None on local government.

Funds Available: Fund: _____ Comptroller
8. **Legal review required:** _____ District Attorney
9. **Reviewed by:**

Department Head

County Manager

Department Name: Planning

Other agency review: _____
10. **Board action:**
☐ Approved ☐ Approved with Modifications
☐ Denied ☐ Continued

Agenda Item No.

**STOREY COUNTY
PLANNING DEPARTMENT**

Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, NV 89440 Phone (775)
847-1144 – Fax (775) 847-0949
planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: September 18, 2018

Meeting Location: Storey County Courthouse, District Courtroom, Virginia City, Nevada

Staff Contact: Kathy Canfield

File: 2018-032 Road Abandonment Request

Applicant: Steve McBride

Property Owners: Steve McBride

Property Location: 25 South K Street, Virginia City, Storey County, Nevada

Request: The applicant requests to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 16-foot wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

1. Background & Analysis

- A. Site Location.** The proposed abandonment is located at the southeast corner of K Street and Union Street. The proposed abandonment is located adjacent to a vacant residential parcel. Both properties are R-1 zoning.

The applicant owns both APN 001-243-04 & 05. Parcel 001-243-04 contains a residence and Parcel 001-243-05 has been improved with landscaping and provides outdoor space for the existing residence. The improved yard space is a level area at the top of a hill, and the yard has encroached into the K Street right-of-way over the years with a fence and landscaping being added to the area. K Street has recently been paved up to the location of the fence and terminates at this location. Beyond this location, the right-of-way has a significant slope

downwards towards Union Street and it is very unlikely this portion of roadway would be constructed.



Vicinity map



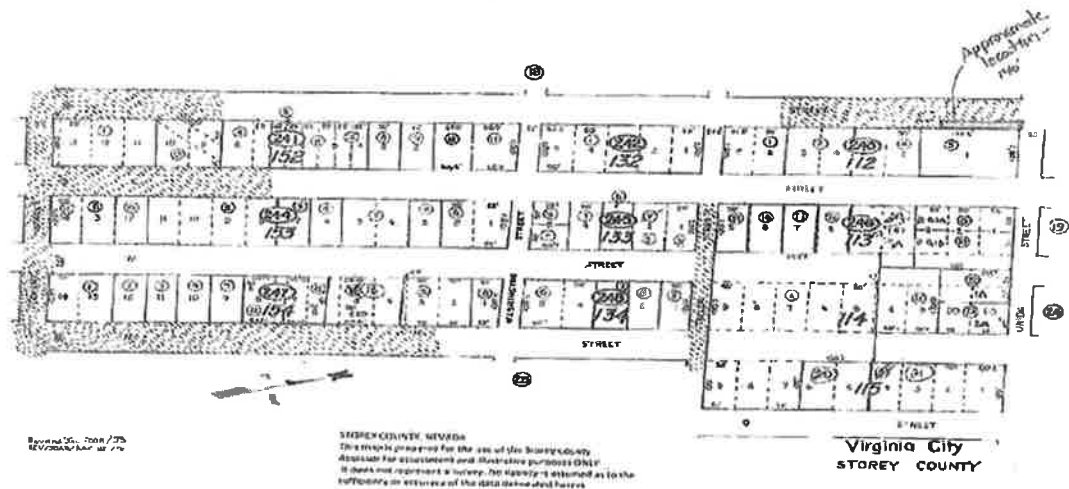
Approximate location



Project Site, view from south



Project Site, view from west



Existing parcel map

- B. Proposed Project.** The applicant is requesting an abandonment of approximately 16 feet of width for a length of approximately 140 linear feet from the southernmost portion of the existing fence to the right-of-way of Union Street. The exact dimensions will be provided with the required Record of Survey if the abandonment is approved by Storey County.

The applicant owns both APN 001-243-04 & 05, with a portion of 05 being used as outdoor yard space for the residence. The property is located at the top of a hill, and the area used as yard space is the level portion, with the rest of both properties sloping significantly downward.

If approved, the applicant will be required to record a Record of Survey documenting the abandoned portion of land which has been consolidated into the adjacent parcel. The abandoned strip of land cannot be a stand-alone parcel. The applicant will also consolidate APN 001-243-04 & 05 into one legal lot of record so all improvements are located on a singular parcel. As a condition of project approval, a public utility easement shall be reserved over the abandoned portion of the property.

- C. Site Conditions.** The right-of-way for K Street is 60-feet wide. At the terminus of K Street, the pavement is approximately 50-feet wide. The area of the proposed right-of-way abandonment does not contain any existing pavement or improved public access way. A recently replaced sewer line does exist west of the proposed right-of-way abandonment area and the roadway was repaved after the sewer project was completed. Electric service is provided to the applicant's property from L Street, and the parcels to the west are served by electrical lines from I Street. At this location, there are no known utility lines within the right-of-way abandonment area, however, a public utility easement will be retained for this area as a condition of approval.



View from Union Street, looking southwest



View from Union Street, looking southeast



View looking north from K Street terminus

- D. **Abandonments.** Nevada Revised Statutes (NRS) 278.480 defines requirements for abandonment of a street or easement. Storey County has not adopted its own process and therefore follows the NRS process.

Storey County has followed a recent policy to not encourage any further abandonment of roadways within the Virginia City area. In the past, some roadways were abandoned and impacts to circulation for the town have been identified as the town has grown. Staff acknowledges the importance of keeping right-of-way for the public. In this specific case, it does not appear that the overall circulation patterns or public needs will be impacted by the proposed abandonment. K Street terminates at the top of a steep hill and it is highly unlikely a connection to Union Street would be proposed with the slope that exists. No changes to the street pavement are proposed and no identified existing or future improvements have been identified as impacted. If approved, a public utility easement will be retained for the abandoned portion of right-of-way.

- E. **Noticing.** NRS 278.480 requires additional noticing of the public beyond the typical noticing procedures of Storey County per NRS 278. In addition to noticing a minimum of properties within 300-feet of the project, and a minimum of 30 unique property owners, NRS required the project to be advertised in the newspaper (Comstock Chronicle, August 24, 2018) and to notify each property owner abutting the proposed abandonment with a notice method that provides confirmation of delivery and does not require the signature of the recipient. In addition, each public utility and video service provider (NV Energy, Storey County Public Works, Comstock Cable) serving the affected area was notified with a written notice.
- F. **Adjacent Properties Existing Land Uses.** The properties are located within Virginia City and are zoned R1. The surrounding properties are also zoned R1 and include either a single family residences or are vacant land, with the exception of the electric substation directly across Union Street.

2. Use Compatibility and Compliance

- A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classification and master plan designations for the land at and surrounding the proposed project. There are no evident conflicts between the proposed abandonment and Storey County Title 17 Zoning or the 2016 Master Plan.

	Land Use	Master Plan	Zoning
Applicant's Land	Residential & Vacant	Single Family Residential	R1 Residential
Land to the North	Electric Substation & Residential	Single Family Residential	R1 Residential
Land to the East	Residential	Single Family Residential	R1 Residential
Land to the South	Residential & Vacant	Single Family Residential	R1 Residential
Land to the West	Residential & Vacant	Single Family Residential	R1 Residential

- B. **Compliance with the Storey County Code.** Section 17.12.090 discusses Access and Right-of-Ways. This chapter states that "No commercial, industrial, or dwelling construction may be permitted on any parcel or lot not served by a public right-of-way of at least 50 feet in width, with a minimum public traveled way of 24 feet in width."

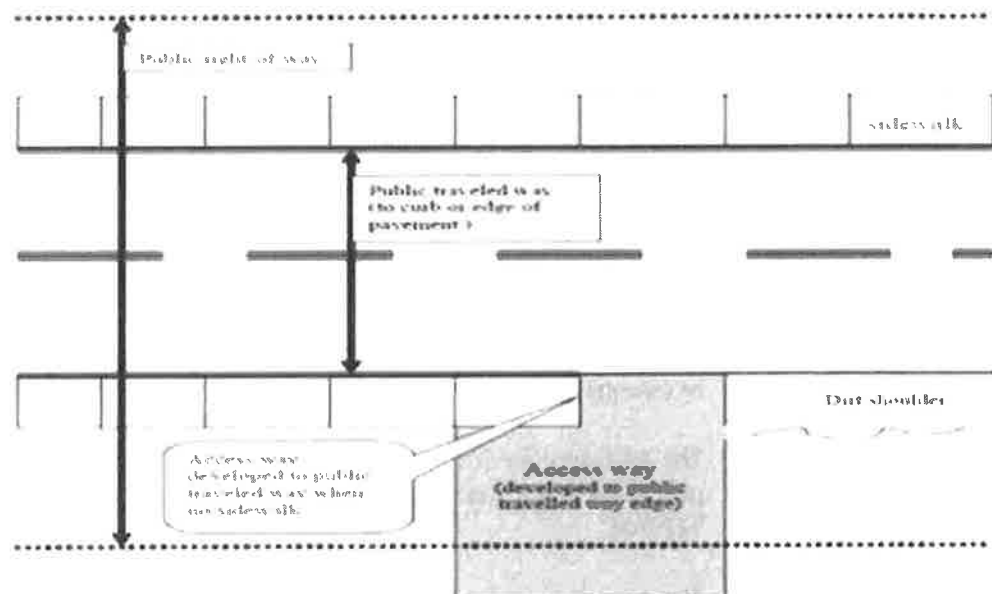


Figure 12.7: The public right-of-way encompasses much more land than the traveled way. While public utilities such as power, sanitary sewer, and water may be located above or below the traveled way, they are oftentimes located within the outer edges of the public right-of-way.

The adjacent parcels of land are considered through lots with public rights-of-way on both sides of the parcels, along with Union Street to the north. The proposed abandonment will not impact any existing access and because of the topography of the area, it is not anticipated any vacant parcels would utilize the undeveloped portion of K Street when existing access is provided from either I Street or L Street. I Street and L Street meet the requirements of Section 17.12.090.

C. Compliance with 2016 Storey County Master.

The proposed abandonment is consistent with the 2016 Storey County Master Plan. The Master Plan does not specifically mention abandonments of roadways. This proposal is for the abandonment of an approximately 16-foot by approximately 140-foot strip of roadway right-of-way. The land use will conform to the overall R-1 zoning of the surrounding area. The abandonment will not change the circulation pattern of the town and no changes to the actual paved access are proposed.

3. Findings of Fact

The Storey County Board of County Commissioners shall cite Findings in a recommended motion for approval, approval with conditions, or denial. The recommended approval, approval with conditions or denial of the requested Abandonment must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Board of County Commissioners may include additional Findings in their decision.

A. Motion for Approval. The following Findings of Fact are the minimum to be cited for a recommendation of approval or approval with conditions. The following Findings are evident with regard to the requested Abandonment when the recommended conditions in Section 4 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

- (1) This approval is to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-foot wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.
- (2) The Abandonment complies with NRS 278.480 relating to Abandonment of a street or easement.
- (3) The Abandonment complies with all Federal, State, and County regulations pertaining to vacation or abandonment of streets or easements, including NRS 278.240.
- (4) The Abandonment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The Abandonment will not cause the public to be materially injured by the proposed abandonment.
- (5) The conditions of approval for the requested Abandonment do not conflict with the minimum requirements in Storey County Code Chapters 17.12.090, General Provision – Access and Right-of-Ways, or any other Federal, State, or County regulations.

B. **Motion for Denial.** Should a recommended motion be made to deny the Abandonment request, the following Findings with explanation of why should be included in that motion.

- (1) Substantial evidence shows that the Abandonment with the purpose, intent, and other specific requirement of Storey County Code Chapter 17.12.090, General Provision, Access and Rights-of-Ways, or any other Federal, State, or County regulations, including NRS 278.480.
- (2) The Recommended Conditions of Approval for the Abandonment does not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

4. **Recommended Conditions of Approval**

All conditions must be met to the satisfaction of each applicable County Department, unless otherwise stated.

- A. **Approval.** This approval is to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.
- B. **Abandonment Area.** The required Record of Survey shall be in substantial conformance to the proposed request of abandonment of right-of-way described in the staff report.
- C. **Record of Survey.** The Permit Holder shall submit to the Storey County Planning Department a Record of Survey for review and approval prior to the Record of Survey being recorded. The Record of Survey must comply with Nevada Revised Statutes (NRS) 278.475 through 278.477 relating to the change in location of boundary line and must comply with Federal, State, and County regulations. The Record of Survey must show all parcel boundaries, easements, and right-of-ways. Upon acceptance of the Record of Survey format, and completion of all other conditions of approval, the Record of Survey may be recorded.
- D. **Consolidation.** The Record of Survey shall demonstrate that APN 001-243-04 & 05 (Lots 1, 2 and 3), along with the area of abandonment, have been consolidated into one legal lot of record.
- E. **Access and Easements.** A public utility easement shall be retained for the land described for abandonment. All existing streets, easements, and utility easements, whether public or private, except that which is approved for abandonment, must remain in effect and be delineated clearly on the Record of Survey.
- E. **Taxes Paid.** Prior to the recording of the proposed Record of Survey, the Applicants shall submit to the Planning Department evidence that property taxes on APN 001-243-04 and 001-243-05 have been paid in full for the fiscal year.

- F. **Duties of the Record of Survey Preparer.** The preparer of the proposed Map shall meet all requirements pursuant to NRS 278.475 through 278.477.
- H. **Null and Void.** The Record of Survey must be recorded with the Storey County Recorder within 12 months of the Board's approval. If the Record of Survey is not recorded by that time, this approval will become null and void.
- I. **Indemnification.** The Property Owner warrants that the future use of land will conform to requirements of Storey County, State of Nevada, and applicable federal regulatory and legal requirements; further, the Property Owners warrant that continued and future use of the land shall so conform. The Property Owners agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Approval.
- J. **Utility Notification.** The Permit Holder shall submit evidence from NV Energy and Comstock Cable that they have no objections to the proposed abandonment.

5. **Public Comment**

As of August 28, 2018, Staff has received no comments from the public.

6. **Power of the Board**

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. **Proposed Motions**

This Section contains two motions from which to choose. The motion for approval is recommended by Staff and the Planning Commission in accordance with the findings under Section 3.A of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. **Recommended Motion (motion for approval)**

In accordance with the recommendation by staff and the Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I [County Commissioner], hereby move to approve the abandonment of a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

B. Alternative Motion (motion for denial)

In accordance with the Findings under section 3.B of this report and other Findings against the recommendation for approval with conditions by Staff and the Planning Commission, I [*County Commissioner*], hereby move to deny the abandonment of a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

APPENDIX 1 NRS 278.480

NRS 278.480 Vacation or abandonment of street or easement: Procedures, prerequisites and effect; appeal; reservation of certain easements; sale of vacated portion.

1. Except as otherwise provided in subsections 11 and 12, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

↳ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property

owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of a street for the purpose of conforming the legal description of real property to a recorded map or survey of the area in which the real property is located. Any such simplified procedure must include, without limitation, the requirements set forth in subsection 6.

13. As used in this section:

(a) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(b) "Public utility" has the meaning ascribed to it in NRS 360.815.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

[30:110:1941; 1931 NCL § 5063.29]—(NRS A 1967, 268, 696; 1969, 588; 1973, 1830; 1975, 164; 1977, 1506; 1979, 600; 1981, 165, 580; 1987, 663; 1993, 2580; 1997, 2436; 2001, 1451, 2815, 2822; 2007, 992; 2013, 700)

APPENDIX 2

NRS 278.475 through 278.477

NRS 278.475 Amended plat, survey or map to correct or amend recorded plat, survey or map if correction or amendment changes location of survey monument, property line or boundary line: Request; preparation and recordation.

1. To correct an error or omission in or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels or reversionary map, if the correction or amendment changes or purports to change the physical location of any survey monument, property line or boundary line, an amended plat, survey or map must be requested and recorded pursuant to this section.

2. An amended plat, survey or map may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city;

(c) The planning commission if authorized by local ordinance; or

(d) A professional land surveyor registered pursuant to chapter 625 of NRS.

3. Except as otherwise provided in this subsection, a surveyor who:

(a) Performed the survey; or

(b) Is responsible for an error or omission which is to be corrected,

➡ shall prepare and record the amended plat, survey or map within 90 days after the surveyor receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the city surveyor or a professional land surveyor appointed by the governing body of the city or the planning commission. If the surveyor who performed the survey or is responsible for the error or omission is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the amended plat, survey or map.

(Added to NRS by 1977, 1505; A 1979, 1501; 1991, 1152; 1993, 2578; 1997, 2434)

NRS 278.477 Amendment of recorded plat, map or survey which changes location of survey monument, property line or boundary line: Procedures and requirements.

1. In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels or record of survey, the same procedures and requirements as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map.

2. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey required pursuant to subsection 1 must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a legal description that describes only the property which is to be included in the amendment;

(d) Have a blank margin for the county recorder's index information;

(e) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp; and

(f) Contain a certificate of the professional land surveyor licensed pursuant to chapter 625 of NRS who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive, and with any applicable local ordinance.

3. Any amended subdivision plat, parcel map, map of division into large parcels or record of survey that is recorded in support of an adjusted boundary must:

(a) Contain or be accompanied by the report of a title company and the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that:

- (1) A bona fide effort was made to notify the necessary persons;
- (2) All persons who responded to the notice have consented to the amendment; and
- (3) The amendment does not adversely affect the persons who did not respond; and

(b) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he or she is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS, stating that he or she has examined the document and that it is technically correct.

4. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

5. A county recorder who records a plat, map or record of survey pursuant to this section shall, within 7 working days after he or she records the plat, map or record of survey, provide to the county assessor at no charge:

- (a) A duplicate copy of the plat, map or record of survey and any supporting documents; or
- (b) Access to the digital plat, map or record of survey and any digital supporting documents. The plat, map or record of survey and the supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

(Added to NRS by 1977, 1505; A 1979, 1501; 1987, 380; 1989, 796; 1991, 1890; 1993, 2579; 1997, 1065, 2434; 2001, 1563; 2003, 2789)

APPENDIX 3

NRS 278.240

NRS 278.240 Approval required for certain dedications, closures, abandonments, construction or authorizations. Whenever the governing body of a city, county or region has adopted a master plan, or one or more elements thereof, for the city, county or region, or for a major section or district thereof, no street, square, park, or other public way, ground, or open space may be acquired by dedication or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more elements thereof has been adopted by the governing body unless the dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the governing body, board or commission having jurisdiction over such a matter.

[12:110:1941; 1931 NCL § 5063.11]—(NRS A 1997, 2419; 2013, 1508)

From: Editor <editor@thestoreyteller.online>

Subject: Read into record during public comment on Item 6 in tonights Planning Commission

Date: September 6, 2018 at 4:34:35 PM PDT

To: Vanessa Stephens <vstephens@storeycounty.org>

This statement is public comment from Sam Toll who is unable to attend the commission meeting but would like the comment read into the record during public comment of Item 6.

To the Storey County Planning Commission.

Item 6 considers abandoning a Storey County road at the request of the property owner adjacent to the road way. Granting this request will effectively render useless a county asset which today can and should be accessible by all residents of Storey County. The applicant has built a fence structure that appears to be on K Street and obstructs through traffic on K street. A sign posted on K Street indicates there is no through traffic even though the section on K Street is as traversable as many other unpaved roads in Virginia City.

By granting this abandonment, the county effectively extends the property owners property footprint without compensation and with no clear benefit to the County and the other 4100 residents. This action exclusively benefits Mr. McBride at the expense of every other Storey County Resident. Even if compensation were to be provided for this road abandonment/property extension, the pubic is not being served by this action. By restricting and abandoning this roadway, all Storey County residents are being prevented fair and easy access to a roadway in favor the selfish desires of a single resident.

If the county agreed to every abandonment requested by a landowner wanting to extend their property and improve their privacy, many many road abandonments will occur in the future.

All residents of the county benefited from the extension of E street in front of Collins Construction and The Silverland Inn. With much less effort and expense that was invested to benefit the majority of county residents on E Street, we all could and should similarly enjoy K Street as well.

By abandoning this road for the personal use of Mr. McBride, only Mr. McBride will enjoy the benefit of the abandonment and all other Storey County Residents are injured without compensation.

It is time for the county to enter into the 21st century and stop catering to the wants and desires of the few at the expense of the many.

I strongly and energetically encourage Storey County Planning Commissioners to vote for the majority of the residents of Storey County and deny this transfer of public property into private hands.

Thank you.

Sam Toll
Gold Hill

Sam Toll - Editor



Storey County Board of County Commissioners Agenda Action Report

Meeting date:
9-18-18

Estimate of time required: 0 - 5

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Business License Second Readings -- Approval

2. **Recommended motion:** Approval

3. **Prepared by:** Melissa Field

Department: Community Development

Telephone: 847-0966

4. **Staff summary:** Second readings of submitted business license applications are normally approved unless, for various reasons, requested to be continued to the next meeting. A follow-up letter noting those to be continued or approved will be submitted prior to the Commission Meeting. The business licenses are then printed and mailed to the new business license holder.

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

6. **Fiscal impact:**

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:**

____ District Attorney

8. **Reviewed by:**

☒ Department Head

____ County Manager

Department Name:

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 • mfield@storeycounty.org

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

September 10, 2018
Via email

Fr: Melissa Field

Please add the following item(s) to the **September 18, 2018** COMMISSIONERS Agenda:

Storey County Building Department has inspected and found that the following businesses meet code requirements necessary to operate in the county:

LICENSING BOARD SECOND READINGS

- A. CHEEK CONSTRUCTION, LLC / Contactor – 3303 Reno Hwy ~ Fallon, NV**
- B. LASCO PROCESS SYSTEMS, LLC / Contractor – 18601 LBJ Fwy ~ Mesquite, YX**
- C. MCA MECHANICAL, INC / Contractor – 2190 Fish Springs Rd ~ Gardnerville, NV**
- D. MOBILE TRUCK WASH LLC / General – 75 Bank St #8 ~ Sparks, NV**
- E. FTM CORPORATION / Contractor – 460 N. Geneva Rd ~ Lindon, UT**
- F. VERDI ENERGY INC / General – 2104 Lytham Ct ~ Wilmington, NC**
- G. ROTO-ROOTER / Contractor – 200 B Coney Island Dr ~ Sparks, NV**
- H. KINETIC SAFETY LLC, DBA: 3M SAFETY TRAINING / General – 3M Center Bldg. ~ St Paul, MN**