



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

9/21/2021 4:00 PM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

This meeting will be held in person and the public is welcome to attend.

Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:**

<https://zoom.us/j/597519448>

Meeting ID: 597 519 448

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

+1 301 715 8592 US

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 597 519 448

Find your local number: <https://zoom.us/j/597519448>

**For additional information or supporting documents please contact the
Storey County Clerk's Office at 775-847-0969.**

JAY CARMONA
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

CLAY MITCHELL
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. 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. 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. 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 4:00 P.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of the Agenda for September 21, 2021.

4. **CONSENT AGENDA**

I Approval of claims in the amount of \$2,813,071.21

II Consideration and possible action, approval of business license first readings:

A. Motive Energy Telecommunications - Out of County / 1307 Striker Ave. Ste. 110 ~ Sacramento, CA

III 1st reading for approval of a General Business license for Virginia City Trading Co. 62 N C St., Virginia City, NV 89440. Applicants are: Kimberly Milzarek & Kody Burrell.

IV Consideration and possible approval of 1st reading a General Business license for Brandy Dickson, Massage/Therapeutic Services. PO Box 537, Virginia City, NV 89440.

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

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

7. **DISCUSSION/FOR POSSIBLE ACTION:**

Presentation and discussion on Western Nevada Development District (WNDD) Regional Broadband Mapping Project, and request for each WNDD member, including Storey County, to contribute \$2,850 to pay for the \$40,000 project cost. (D. Craig - WNDD).

8. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of naming of newly acquired Storey County access easement to the Virginia City fairgrounds property.

9. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of 2021-41 Parcel Map request by applicants Larry Ryan, and John and Eileen Herrington. The applicants request to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.

10. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution No. 21-632 honoring retiring Joe Curtis for his service with Storey County and to the residents and businesses of the county.

11. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and approval of Storey County Indigent Defense Service Plan designed to meet the requirements of the State of Nevada in accordance with NRS 260.070 and to comply with the Nevada Supreme Court's orders in ADKT 411.

12. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval to apply up to \$250,000 for development of Preliminary Engineering Designs and Environmental Studies as required for the application of funds by the Federal Economic Administration's American Rescue Plan Grants. Funds in the amount of \$250,000 were allocated to sewer and water projects on December 15, 2020, under Ordinance number 20-317.

13. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of a Road Use Agreement between Storey County and Citadel Solar LLC addressing Citadel Solar's use of portions of Canyon Way and Waltham Way in Storey County, Nevada

14. DISCUSSION/FOR POSSIBLE ACTION:

Update, discussion, and provide direction to county staff and lobbyists regarding SCR 11 (formerly BDR 1109 and 1148) interim legislative committee to study Innovation Zone draft legislation, and other properly related matters.

15. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible action, Business License Second Readings -- Approval

A. Engineered Products, A Pape' Company - Contractor / 9800 40th Ave. S. ~ Seattle, WA

B. Nefab Packaging West, LLC - General / 1215 Alexandria Ct. ~ McCarran, NV

C. Main Vein Coffee Company, LLC - Food Truck / 3025 Idlewild Dr. ~ Reno, NV

D. Mountain West Heating and Air Conditioning - Contractor / 3025 Eastlake Blvd. ~ Washoe Valley, NV

E. Papyrus Tax Inc. - General / 198 N. C St. ~ Virginia City, NV

F. Rental Guys - Out of County / 1720 Nord Ave ~ Chico, CA

G. Virginia's Mexican Restaurant - General / 65 N. C St. ~ Virginia City, NV

16. PUBLIC COMMENT (No Action)

17. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA

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 09/14/2021 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. This agenda was also posted to the Nevada State website at <https://notice.nv.gov/> and to the Storey County website at <https://www.storeycounty.org/agendacenter>.

By 
Vanessa Stephens Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021
BOCC Meeting

Estimate of Time Required: 5 minutes

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval of the Agenda for September 21, 2021.
- **Recommended motion:** Approve or amend as necessary.
- **Prepared by:** Vanessa Stephens

Department: **Contact Number:** 775-847-0969

- **Staff Summary:** None
- **Supporting Materials:** See attached
- **Fiscal Impact:** None
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **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 Agenda Action Report

Meeting date: 9/21/2021

-

Estimate of Time Required: 0 min

BOCC Meeting

Agenda Item Type: Consent Agenda

- **Title:** Approval of claims in the amount of \$2,813,071.21
- **Recommended motion:** Approval of claims as submitted
- **Prepared by:** Cory Y. Wood

Department:

Contact Number: 7758471133

- **Staff Summary:** Please find attached claims
- **Supporting Materials:** See attached
- **Fiscal Impact:** N/A
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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



Check Register

Packet: APPKT03378 - 2021-08-31 Hammond Spcl Ck cw

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank 406461	Lewis Roca Rothgerber Christie LLP	08/31/2021	Regular	0.00	30,000.00	104419

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	30,000.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	30,000.00

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	8/2021	30,000.00
			<u>30,000.00</u>



Payroll Check Register Report Summary

Pay Period: 8/16/2021-8/29/2021

Packet: PRPKT01151 - 2021-09-03 Payroll LS

Payroll Set: Storey County - 01

Type	Count	Amount
Regular Checks	5	6,381.24
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	168	398,531.13
Total	173	404,912.37

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner


Comptroller

9-10-21
Date

Treasurer

Date



Check Register

Packet: APPKT03384 - 2021-09-03 PERS 715 LS


By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
405456	Public Employees Retirement	09/03/2021	EFT	0.00	51,073.67	10219

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	2	1	0.00	51,073.67
	2	1	0.00	51,073.67

Approved by the Storey County Board of Commissioners:

Chairman	Commissioner	Commissioner
		9-10-21
Comptroller		Date
Treasurer		Date



Vendor History Report

By Vendor Name

Posting Date Range 09/03/2021 - 09/03/2021

Payment Date Range -

Payable Number	Description	Units	Price	Post Date	1099	Payment Number	Payment Date	Amount	Shipping	Tax	Discount	Net	Payment
Item Description				Amount	Account Number		Account Name	Dist Amount					
Vendor Set: 01 - Storey County Vendors													
405424 - Optum Bank, Member FDIC													
INV0015164	HSA Contributions	0.00	0.00	9/3/2021	001-29506-000	DFT0000903	9/3/2021	12,059.66	0.00	0.00	0.00	12,059.66	12,059.66
					020-29506-000		Insurances	8,528.66					
					090-29506-000		Rds-Ins	720.00					
					130-29506-000		Wtr-Ins	260.40					
					230-29506-000		Swr-Ins	131.60					
					231-29506-000		VCTC-Ins	337.50					
					250-29506-000		Pipers-Ins	102.50					
					270-29506-000		Fire-Ins	1,690.39					
					290-29506-000		FireMutual-Ins	218.61					
							Fire-Ins	70.00					
INV0015165	HSA Contributions	0.00	0.00	9/3/2021	001-29506-000	DFT0000904	9/3/2021	125.00	0.00	0.00	0.00	125.00	125.00
							Insurances	125.00					
Vendors: (1)								12,184.66	0.00	0.00	0.00	12,184.66	12,184.66
Total 01 - Storey County Vendors:								12,184.66	0.00	0.00	0.00	12,184.66	12,184.66
Vendors: (1)								12,184.66	0.00	0.00	0.00	12,184.66	12,184.66
Report Total:								12,184.66	0.00	0.00	0.00	12,184.66	12,184.66

Approved by the Storey County Board of Commissioners:

Chairman _____ Commissioner _____
Comptroller _____ Date 9-10-21

Treasurer _____ Date _____



Check Register

Packet: APPKT03383 - 2021-09-03 PR Payment LS

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
405456	Public Employees Retirement	09/03/2021	EFT	0.00	87,626.38	10217
404639	VOYA RETIREMENT INS	09/03/2021	EFT	0.00	11,190.00	10218
300003	AFLAC	09/03/2021	Regular	0.00	1,206.79	104420
300008	AFSCME Union	09/03/2021	Regular	0.00	497.16	104421
405610	California State Disbursement Unit	09/03/2021	Regular	0.00	23.07	104422
405519	Cigna Health and Life Insurance Cor	09/03/2021	Regular	0.00	127,183.08	104423
	Void	09/03/2021	Regular	0.00	0.00	104424
300001	Colonial Life & Accident	09/03/2021	Regular	0.00	103.38	104425
404704	DVM INSURANCE AGENCY	09/03/2021	Regular	0.00	86.43	104426
405264	FIDELITY SEC LIFE INS CO	09/03/2021	Regular	0.00	1,349.99	104427
405263	KANSAS CITY LIFE INS CO	09/03/2021	Regular	0.00	7,331.59	104428
	Void	09/03/2021	Regular	0.00	0.00	104429
300011	Nevada State Treasurer	09/03/2021	Regular	0.00	4.00	104430
103233	PUBLIC EMPLOY RETIREMENT SYSTEM	09/03/2021	Regular	0.00	388.00	104431
300010	State Collection & Disbursement Un	09/03/2021	Regular	0.00	213.43	104432
300006	Storey Co Fire Fighters Assoc	09/03/2021	Regular	0.00	1,300.00	104433
300005	Washington National Ins	09/03/2021	Regular	0.00	861.80	104434
300002	Western Insurance Specialties	09/03/2021	Regular	0.00	335.39	104435

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	28	14	0.00	140,884.11
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	5	2	0.00	98,816.38
	33	18	0.00	239,700.49

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner


Comptroller

9-10-21
Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	9/2021	239,700.49
			239,700.49



Check Register

Packet: APPKT03412 - 2021-09-10 AP Payments cw

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
404671	PORTER GROUP LLC	09/09/2021	EFT	0.00	6,000.00	
405562	601 Vigilance Committee	09/10/2021	Regular	0.00	500.00	104436
403470	A-1 RADIATOR REPAIR INC	09/10/2021	Regular	0.00	468.00	104437
403795	ALPINE LOCK INC	09/10/2021	Regular	0.00	5.00	104438
100135	ALSCO INC	09/10/2021	Regular	0.00	388.87	104439
404394	American Tower Investments LLC	09/10/2021	Regular	0.00	684.29	104440
403651	ARC HEALTH AND WELLNESS	09/10/2021	Regular	0.00	574.00	104441
403959	BENDER, DEBORAH	09/10/2021	Regular	0.00	640.00	104442
404810	Besasparris, Ginger	09/10/2021	Regular	0.00	3,541.20	104443
100422	BOB BARKER COMPANY INC	09/10/2021	Regular	0.00	11.20	104444
403671	BURRELL, SCOTT LEWIS	09/10/2021	Regular	0.00	601.50	104445
403259	CALIFORNIA INDUSTRIAL	09/10/2021	Regular	0.00	158.53	104446
99763	CANYON GENERAL IMPROVEMENT I	09/10/2021	Regular	0.00	869.10	104447
405669	Carson Tahoe Health	09/10/2021	Regular	0.00	154.35	104448
404216	CARSON VALLEY OIL CO INC	09/10/2021	Regular	0.00	5,613.81	104449
99720	CASELLE INC	09/10/2021	Regular	0.00	270.00	104450
405968	CC Cleaning Service, LLC	09/10/2021	Regular	0.00	4,680.00	104451
406462	Center for Human Toxicology	09/10/2021	Regular	0.00	4,184.51	104452
100505	CITY OF CARSON TREASURER	09/10/2021	Regular	0.00	40.00	104453
405134	CMC TIRE INC	09/10/2021	Regular	0.00	7,044.76	104454
404809	COORD PSYCHOLOGICAL	09/10/2021	Regular	0.00	3,187.50	104455
99652	COMSTOCK CHRONICLE (VC)	09/10/2021	Regular	0.00	1,506.89	104456
404833	COMSTOCK FOUNDATION FOR	09/10/2021	Regular	0.00	66.00	104457
406406	Comstock Propane	09/10/2021	Regular	0.00	1,304.00	104458
406459	Dabney, Clay	09/10/2021	Regular	0.00	25.00	104459
404466	DAIOHS USA INC	09/10/2021	Regular	0.00	378.35	104460
100717	DELTA FIRE SYSTEMS INC	09/10/2021	Regular	0.00	150.00	104461
406220	Diamond Diesel Service, Inc	09/10/2021	Regular	0.00	1,925.00	104462
404184	DIMARZO, ARMOUR B	09/10/2021	Regular	0.00	100.00	104463
406163	Divide Fitness, Inc.	09/10/2021	Regular	0.00	46.00	104464
403582	ECONOMIC DEV AUTHORITY	09/10/2021	Regular	0.00	12,500.00	104465
404547	ELLIOTT AUTO SUPPLY INC	09/10/2021	Regular	0.00	156.41	104466
403216	FARR WEST ENGINEERING	09/10/2021	Regular	0.00	646.80	104467
404509	FASTENAL COMPANY	09/10/2021	Regular	0.00	1,074.30	104468
405969	Fleetpride, INC	09/10/2021	Regular	0.00	759.45	104469
404826	GENGLER, ELAINE MARIE	09/10/2021	Regular	0.00	100.00	104470
404640	GLADDING, EDWARD A.	09/10/2021	Regular	0.00	6,790.00	104471
100856	GRANITE CONSTRUCTION CO	09/10/2021	Regular	0.00	2,777.14	104472
103470	GREAT BASIN TERMITE & PES	09/10/2021	Regular	0.00	130.00	104473
405784	Greene, Jeanne	09/10/2021	Regular	0.00	3,970.00	104474
404778	HAT, LTD	09/10/2021	Regular	0.00	371.25	104475
405360	Huntington, Elizabeth L.	09/10/2021	Regular	0.00	144.00	104476
100978	INTERSTATE OIL CO	09/10/2021	Regular	0.00	1,190.68	104477
100885	IRON MOUNTAIN INFO MGT IN	09/10/2021	Regular	0.00	635.29	104478
403834	IT1 SOURCE LLC	09/10/2021	Regular	0.00	1,985.52	104479
103317	JBP LLC	09/10/2021	Regular	0.00	109.84	104480
406428	John Craig, Pam Trust, Debra Craig	09/10/2021	Regular	0.00	50.34	104481
101040	L N CURTIS & SONS	09/10/2021	Regular	0.00	129.75	104482
101030	LIFE-ASSIST INC	09/10/2021	Regular	0.00	1,312.75	104483
404102	LIQUID BLUE EVENTS LLC	09/10/2021	Regular	0.00	2,300.00	104484
405548	Lumos & Associates, Inc	09/10/2021	Regular	0.00	9,842.00	104485
405077	MACKAY MANSION	09/10/2021	Regular	0.00	791.00	104486
405307	McKechnie, Maria J.	09/10/2021	Regular	0.00	1,754.00	104487
102857	MICHAEL HOHL MOTOR CO	09/10/2021	Regular	0.00	175.10	104488

Check Register

Packet: APPKT03412-2021-09-10 AP Payments cw

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
405331	Morpho USA, Inc	09/10/2021	Regular	0.00	5,175.00	104489
101226	NEV COMPTROLLER	09/10/2021	Regular	0.00	7,459.00	104490
101226	NEV COMPTROLLER	09/10/2021	Regular	0.00	990.00	104491
403317	NEV DEPT PUBLIC SAFETY	09/10/2021	Regular	0.00	1,449.00	104492
101220	NEV DIV OF MINERALS	09/10/2021	Regular	0.00	500.00	104493
101969	NEV HUMAN RESOURCES	09/10/2021	Regular	0.00	11,396.75	104494
403632	NEVADA BLUE LTD (RNO)	09/10/2021	Regular	0.00	100.00	104495
101269	NEVADA LEGAL SERVICE INC	09/10/2021	Regular	0.00	939.00	104496
405020	Nevin, Michael E. and Virginia M.	09/10/2021	Regular	0.00	4,000.00	104497
405127	O'REILLY AUTO ENTERPRISES LLC	09/10/2021	Regular	0.00	637.98	104498
404746	OTIS ELEVATOR COMPANY	09/10/2021	Regular	0.00	3,295.56	104499
403895	PETRINI, ANGELO D	09/10/2021	Regular	0.00	262.50	104500
405256	PIPER'S OPERA HOUSE	09/10/2021	Regular	0.00	20.00	104501
99871	Powell, James A	09/10/2021	Regular	0.00	4,639.84	104502
403329	PROTECTION DEVICES INC	09/10/2021	Regular	0.00	254.85	104503
103221	PUBLIC EMPLY RETIREMENT RETIRE	09/10/2021	Regular	0.00	2,279.33	104504
404398	RAD STRATEGIES INC	09/10/2021	Regular	0.00	6,575.00	104505
406244	Raptors Live LLC	09/10/2021	Regular	0.00	20.00	104506
402937	RAY MORGAN CO INC (CA)	09/10/2021	Regular	0.00	19.73	104507
404863	REFUSE, INC	09/10/2021	Regular	0.00	459.65	104508
405777	Reno Brake, Inc	09/10/2021	Regular	0.00	860.70	104509
101521	RENO DRAIN OIL SERVICE	09/10/2021	Regular	0.00	196.25	104510
406378	RoadSafe Traffic Systems, Inc.	09/10/2021	Regular	0.00	3,326.00	104511
406367	Shepherd, Scott F.	09/10/2021	Regular	0.00	500.00	104512
405081	SHERMARK DISTRIBUTORS INC	09/10/2021	Regular	0.00	98.00	104513
404187	SHOAF, BRIAN ALLEN	09/10/2021	Regular	0.00	37.00	104514
102461	SIERRA CONTROL SYSTEMS	09/10/2021	Regular	0.00	375.00	104515
102980	SIERRA FIRE PROTECTION LL	09/10/2021	Regular	0.00	3,296.36	104516
101632	SIERRA PEST CONTROL INC	09/10/2021	Regular	0.00	165.00	104517
405804	Silvercreek Tire LLC	09/10/2021	Regular	0.00	72.09	104518
405960	Skigin, Cheryl	09/10/2021	Regular	0.00	9.24	104519
406404	Snap-on Incorporated	09/10/2021	Regular	0.00	392.76	104520
404195	SOUTHERN GLAZERS WINE & S	09/10/2021	Regular	0.00	1,265.10	104521
403234	SPALLONE, DOMINIC J III	09/10/2021	Regular	0.00	117.71	104522
101717	ST CO SCHOOL DISTRICT	09/10/2021	Regular	0.00	1,810,608.75	104523
101726	ST CO SENIOR CENTER(VC)	09/10/2021	Regular	0.00	7,145.86	104524
101745	ST CO WATER SYSTEM	09/10/2021	Regular	0.00	5,887.31	104525
101745	ST CO WATER SYSTEM	09/10/2021	Regular	0.00	489.34	104526
405475	Staples Contract & Commercial, Inc	09/10/2021	Regular	0.00	325.03	104527
101229	State of Nevada	09/10/2021	Regular	0.00	3,640.00	104528
405793	Stehle, Joe	09/10/2021	Regular	0.00	100.00	104529
403892	SUN PEAK ENTERPRISES	09/10/2021	Regular	0.00	2,511.00	104530
404675	SUPERIOR POOL PRODUCTS	09/10/2021	Regular	0.00	512.56	104531
405904	Tatro, John J.	09/10/2021	Regular	0.00	150.00	104532
405124	TERRY, SHIRLEY	09/10/2021	Regular	0.00	2,446.00	104533
406095	Tesla Inc	09/10/2021	Regular	0.00	7,006.91	104534
404615	THE ANTOS AGENCY	09/10/2021	Regular	0.00	175.00	104535
405991	The Lock & Glass Shop, Inc.	09/10/2021	Regular	0.00	21.00	104536
102311	THORNDAL ARMSTRONG DELK BALK	09/10/2021	Regular	0.00	180.00	104537
404030	TUSSELING, DICK G	09/10/2021	Regular	0.00	600.00	104538
405010	TIMELY TESTING LTD	09/10/2021	Regular	0.00	227.50	104539
406388	Traffic and Parking Control Co., Inc	09/10/2021	Regular	0.00	6,060.00	104540
406396	Treasure Electronics, Inc	09/10/2021	Regular	0.00	3,195.00	104541
403225	TRI GENERAL IMPROVEMENT	09/10/2021	Regular	0.00	538.85	104542
405112	TYLER TECHNOLOGIES, INC	09/10/2021	Regular	0.00	31,696.40	104543
403728	UNITED SITE SERVICES OF NEVADA	09/10/2021	Regular	0.00	984.71	104544
404828	V & T ROCK, INC	09/10/2021	Regular	0.00	293.16	104545
405735	VC Tours LLC	09/10/2021	Regular	0.00	1,018.00	104546
403894	VIRGINIA & TRUCKEE RR CO, INC.	09/10/2021	Regular	0.00	4,591.00	104547
405574	Washoe County Forensic Science Di	09/10/2021	Regular	0.00	320.00	104548
103080	WATERS SEPTIC TANK SERVICE	09/10/2021	Regular	0.00	1,480.00	104549

Check Register

Packet: APPKT03412-2021-09-10 AP Payments cw

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
103237	WESTERN ENVIRONMENTAL LAB	09/10/2021	Regular	0.00	204.00	104550
405794	Wharton Concrete Forming Supply c	09/10/2021	Regular	0.00	1,667.76	104551
403997	WOOD, CORLISS	09/10/2021	Regular	0.00	92.99	104552
404295	WELLS ONE COMMERCIAL CARD	09/10/2021	Bank Draft	0.00	25,034.01	DFT0000914

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	203	117	0.00	2,044,166.01
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	22	1	0.00	25,034.01
EFT's	1	1	0.00	6,000.00
	226	119	0.00	2,075,200.02

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	9/2021	2,075,200.02
			<u>2,075,200.02</u>



**Storey County Board of County
Commissioners
Agenda Action Report**

Meeting date: 9/21/2021

Estimate of Time Required: 0 - 5

BOCC Meeting

Agenda Item Type: Consent Agenda

- **Title:** Consideration and possible action, approval of business license first readings:
A. Motive Energy Telecommunications - Out of County / 1307 Striker Ave. Ste. 110 ~
Sacramento, CA
- **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).
- **Prepared by:** Ashley Mead

Department:

Contact Number: 7758470966

- **Staff Summary:** First readings of submitted business license applications are normally
approved on the consent agenda. The applications are then submitted at the next
Commissioner's meeting for approval.
- **Supporting Materials:** See attached
- **Fiscal Impact:** None
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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

Storey County Community Development

110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440



(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

September 13, 2021
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **September 21, 2021**

COMMISSIONERS Consent Agenda:

FIRST READINGS:

A. Motive Energy Telecommunications – Out of County / 1307 Striker Ave. Ste. 110 ~ Sacramento, CA

Ec: Community Development
Commissioner's Office

Planning Department
Comptroller's Office

Sheriff's Office



**Storey County Board of County
Commissioners
Agenda Action Report**

Meeting date: 9/21/2021

Estimate of Time Required: 5 mins

BOCC Meeting

Agenda Item Type: Consent Agenda

- **Title:** 1st reading for approval of a General Business license for Virginia City Trading Co. 62 N C St., Virginia City, NV 89440. Applicants are: Kimberly Milzarek & Kody Burrell.
- **Recommended motion:** I (insert name) motion to approve the 1st reading of a General Business license for Virginia City Trading Co. 62 N C St., Virginia City, NV 89440. Applicants are: Kimberly Milzarek & Kody Burrell.
- **Prepared by:** Brandy Gavenda

Department:

Contact Number: 775-847-0959

- **Staff Summary:** 1st reading for approval of a General Business license for Virginia City Trading Co. 62 N C St., Virginia City, NV 89440. Applicants are: Kimberly Milzarek & Kody Burrell.
- **Supporting Materials:** See attached
- **Fiscal Impact:**
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

☐ Approved

☐ Approved with Modification

☐ Denied

☐ Continued



**Storey County Board of County
Commissioners
Agenda Action Report**

Meeting date: 9/21/2021
BOCC Meeting

Estimate of Time Required: 5 mins

Agenda Item Type: Consent Agenda

- **Title:** Consideration and possible approval of 1st reading a General Business license for Brandy Dickson, Massage/Therapeutic Services. PO Box 537, Virginia City, NV 89440.
- **Recommended motion:** I (insert name) motion to approve the 1st reading of a General Business license for Brandy Dickson, Massage/Therapeutic Services. PO Box 537, Virginia City, NV 89440.
- **Prepared by:** Brandy Gavenda

Department: **Contact Number:** 775-847-0959

- **Staff Summary:** 1st reading for approval of a General Business license for Brandy Dickson, Massage/Therapeutic Services. PO Box 537, Virginia City, NV 89440.
- **Supporting Materials:** See attached
- **Fiscal Impact:**
- **Legal review required:** False
- **Reviewed by:**

_____ Department Head

Department Name: _____

_____ County Manager

Other Agency Review: _____

- **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 Agenda Action Report

Meeting date: 9/21/2021
BOCC Meeting

Estimate of Time Required: 15 min.

Agenda Item Type: Discussion/Possible Action

- **Title:** For Possible Action: Presentation and discussion on Western Nevada Development District (WNDD) Regional Broadband Mapping Project, and request for each WNDD member, including Storey County, to contribute \$2,850 to pay for the \$40,000 project cost. (D. Craig – WNDD).
- **Recommended motion:** I (commissioner) motion to approve a contribution not to exceed \$2,850.00 to Western Nevada Development District (WNDD) to be applied to its \$40,000 project creating a Regional Broadband Map for Storey County and Nevada.
- **Prepared by:** Austin Osborne

Department:

Contact Number: 7758470968

- **Staff Summary:** At the WNDD Board meeting on Monday, June 28, 2021, the broadband mapping project was presented and unanimously approved. As a part of that approval, staff was directed to develop a WNDD report for presentation to all the governmental member agencies recommending the \$2,850 fee per agency which will fund the \$40,000 project. This report is also to include the community outreach activities that invite participation from all the Board members to engage residents, businesses and institutions to test Internet speeds. The WNDD Broadband Mapping Project will produce a map of the WNDD region identifying areas at street level that are most in need of reliable, affordable access to broadband service. This map will have GIS layers of information that will be used to develop infrastructure project grant applications for communities in the region, resulting in more robust broadband connectivity across the region. The initial data showing connectivity gaps in service, acquired from an Internet speed test/crowd-sourced data, and the acquisition and uploading of GIS data to the map will cost \$40,000 or \$2,850 per WNDD local government member.
- **Supporting Materials:** See attached
- **Fiscal Impact:** \$2,850.00
- **Legal review required:** TRUE
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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

Western Nevada Development District

Presentation to Storey County
Board of County Commissioners

September 21, 2021

Regional Broadband Mapping Project



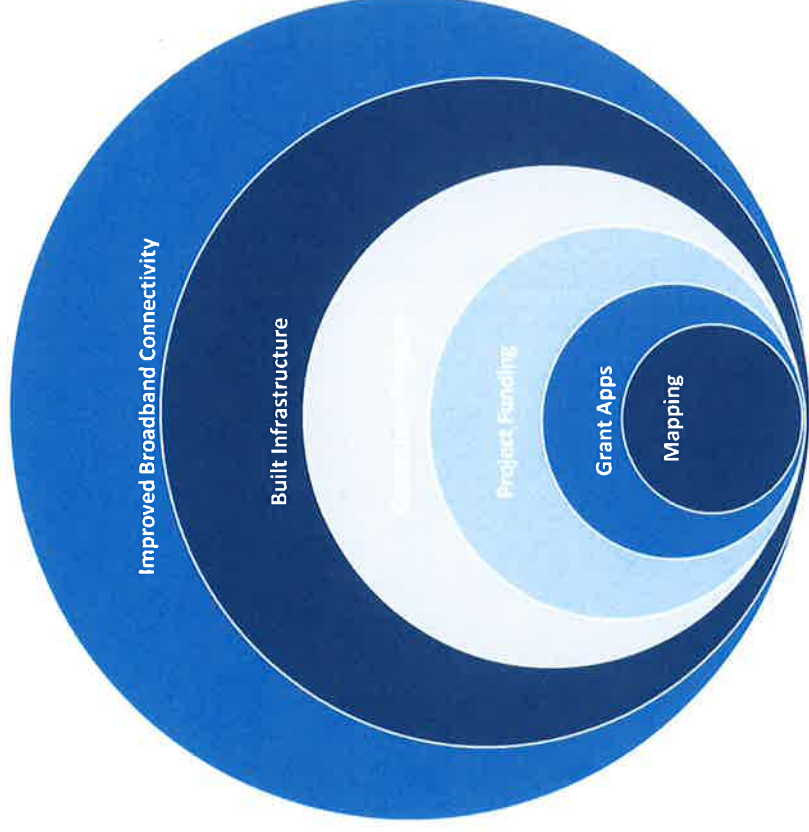
WNDD Regional Broadband Mapping Project

- Introduction: WNDD & D. Craig
- Background to the Regional Broadband Mapping Project
 - COVID-19 disrupted 2020 CEDS implementation
 - Economic Recovery & Resiliency Planning Project 2020-21
 - Issues and Challenges - Broadband #1
 - **Regional Broadband Action** Team created May 2021
 - Need for more primary data
- Mapping
 - Speed test/crowd sourced data – will involve outreach and community support
 - GIS data layers – provided by contracted consultants

WNDD Regional Broadband Mapping Project

- Costs
 - \$40,000 total for the region, that is, \$2,850 per local government member.
- Benefits
 - Demonstrate broadband speeds at street level
 - Show where improvements in connectivity are needed
 - Demonstrate Commissioners' commitment to strengthen and expand broadband connectivity
 - Support state and federal grant applications for broadband infrastructure projects with accurate data

WNDD Regional Broadband Mapping Project



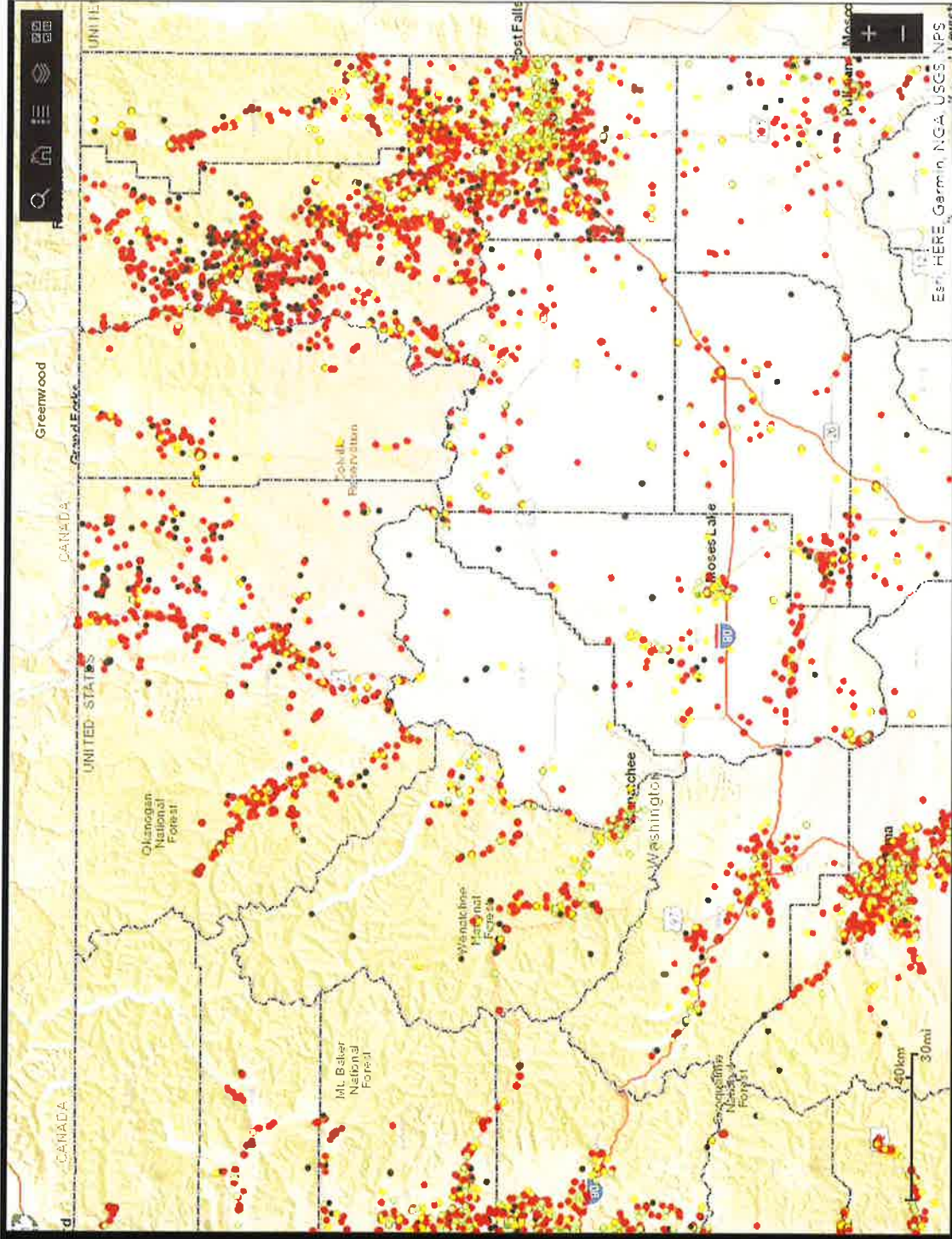
All Download Speeds

Download

- High > 500 mbps
- Medium 25 - 500 mbps
- Low 10 - 25 mbps
- Very Low 0 - 10 mbps
- No Service

County Boundaries

County Boundaries



WNDD Regional Broadband Mapping Project

Thank you

Western Nevada Development District
1000 N Division Street, Suite 102
Carson City, NV 89703

Tel Office: 775-473-6753; Cell 775-560-0144



WESTERN NEVADA DEVELOPMENT DISTRICT
RECOMMENDATION TO FUND REGION WIDE BROADBAND MAPPING PROJECT

TO: STOREY COUNTY COMMISSION

DATE: SEPTEMBER 21, 2021

RECOMMENDATION:

1. Approve funding to Western Nevada Development District (WNDD) at a cost not to exceed \$2,850 to conduct a region wide broadband mapping project.
2. Approve community outreach support from Storey County working with WNDD to inform and engage residents, businesses and institutions to participate in broadband mapping by testing Internet speeds.

EXECUTIVE SUMMARY:

At the WNDD Board meeting on Monday, June 28, 2021, the broadband mapping project was presented and unanimously approved. As a part of that approval, staff was directed to develop a WNDD report for presentation to all the governmental member agencies recommending the \$2,850 fee per agency which will fund the \$40,000 project. This report is also to include the community outreach activities that invite participation from all the Board members to engage residents, businesses and institutions to test Internet speeds.

The WNDD Broadband Mapping Project will produce a map of the WNDD region identifying areas at street level that are most in need of reliable, affordable access to broadband service.

This map will have GIS layers of information that will be used to develop infrastructure project grant applications for communities in the region, resulting in more robust broadband connectivity across the region.

The initial data showing connectivity gaps in service, acquired from an Internet speed test/crowd-sourced data, and the acquisition and uploading of GIS data to the map will cost \$40,000 or \$2,850 per WNDD local government member.

PROJECT ANALYSIS:

Background:

WNDD is an economic development district designated by the Economic Development Administration (EDA) of the US Department of Commerce. It is a member-driven organization and currently has 7 counties, 7 municipalities and 18 associate members in northwestern Nevada.

WNDD's mission is to work in regional collaboration with public and private entities to create an environment within which economic development can occur.

Storey County has been a member of WNDD for many years and has cooperated with WNDD on a number of projects. Those projects have been included in the regional WNDD Comprehensive Economic Development Strategy (CEDS).

The Need:

Broadband connectivity across the region is generally poor. The 2020-25 CEDS approved by the WNDD Board at the June 22, 2020 meeting included a Broadband Needs Assessment Project. This was intended to be a regional project to determine the gaps in broadband service across the WNDD region. This project was never implemented due to the onset of COVID-19.

During the early stages of the Economic Recovery and Resiliency Planning Project, and development of the 2021 CEDS Update, as the planning teams met to discuss and identify issues and challenges, the number one issue identified was reliable, affordable broadband connectivity, especially in rural areas and underserved communities. This was out of a total of 63 issues identified by the teams. It was determined through this process that this would be a WNDD priority and staff began researching the subject in March of this year.

This problem is now recognized at the national level and funding is being made available to resolve the problem. The American Rescue Plan Act of 2021 (ARPA) provides \$1.9T in aid to combat the COVID-19 pandemic and its economic consequences. Of that the State of Nevada is expecting to receive up to \$2.9 billion to address the effects of COVID-19, some of which will be allocated for projects to bridge the digital divide. EDA is expecting \$3 billion in funding from ARPA and some of that will be available for broadband infrastructure projects. In the fall of 2021, the Biden Administration is likely to announce additional infrastructure legislation which will include funding for broadband projects.

Since March, on behalf of WNDD members, staff has completed extensive research on best practices throughout the US on how to address the broadband connectivity issue in the WNDD Region. WNDD has also met several times over the last year with the Nevada Office of Science, Innovation and Technology (OSIT) regarding this issue and regards OSIT as an important resource in closing the digital divide in the WNDD region.

WNDD reached out to the Board and invited members to participate on a Regional Broadband Action Team to look into broadband needs across the WNDD region and to determine recommendations on broadband projects for the region. The team was set up in late May and comprises Tom Harris of UNR, Aric Jensen from the City of Reno, Heidi Lusby from Pershing County Economic Development Authority, Alicia Heiser from the City of Winnemucca, Lisa Granahan from Douglas County, Mark Feest from Churchill County Communications, Vas Kamyschanov from the Balanced Agency located in Reno, Cassandra Darrough from the Pyramid Lake Paiute Tribe/NUMU and Eric Brown, Manager of Washoe County. The team met in early June and agreed that more data is needed to discern the areas that are in need of reliable, affordable access to broadband service. An interactive broadband map is one way of collecting and collating this data.

The Federal Communications Commission (FCC), the National Telecommunications and Information Administration (NTIA) and other organizations produce maps which show access to broadband and other information such as download and upload speeds etc. For example, NTIA recently released a map which shows the following information for Storey County:

Pop per FCC 2019 Estimate	ACS % H'holds w/o Internet Access	ACS % H'holds w/o Computers Smartphones Tablets	M-Lab Speed test Median Mbps	Ookla Speed test Median Mbps	Microsoft % of Downloads Completed over 25 Mbps
4,121	18.90	14.80	14.86/4.42	30.47/11.08	8.00

While useful in providing overarching information at a county level, these data are not useful in pinpointing problems at the street level, or advising where to invest in infrastructure in last- or middle-mile projects to provide better connectivity to homes, businesses and institutions at the local level. In fact, some of these data can be misleading and cannot be used for grant applications for state or federal funding of broadband infrastructure projects.

The Project:

The WNDD Board-approved broadband mapping project includes two components, both of which will be managed by technical expert consultants contracted by WNDD:

A) LOCAL INTERNET SPEED TEST: Taken by the individual on his/her computer, tablet or smartphone at his/her residence, business or institution. At the time of taking the test, the individual will enter the zip code and the survey software will do the rest. If there is no connectivity at the individual's location, it is possible to record this by going to a public library and entering this information on the survey website. The individual's response to the speed test survey will show on the map as a color dot: green for

excellent, orange for average, red for poor, black for no connectivity. As more and more people take the speed test, it will be possible to see where the gaps exist in broadband connectivity in Storey County and across the wider WNDD region.

The effectiveness and success of the WNDD broadband mapping project will depend on a multi-faceted, 6 - 8 week marketing campaign that will drive residents to the WNDD speed test landing page. The marketing strategy will present a call to action that will achieve an overarching benefit: expand internet access and build a stronger digital infrastructure in urban and rural communities across northern Nevada.

Drilling down further, the project will connect to the belief that every home and business in northern Nevada will have access to affordable, adequate, and reliable internet access in order to fully participate in the digital economy and society. The campaign will also tap into a sense of urgency: the availability of federal funds to help the region achieve, affordable, accessible connectivity. Messaging will also remind citizens of the need for quality, affordable broadband which became very apparent during the COVID-19 pandemic when non-essential workers, students, and teachers were asked to telework or take part in distance learning.

B) THE GIS COMPONENT: The consultants contracted to create the WNDD broadband map will plot the speed test results but also add multiple GIS layers of informational data such as the location of optical fiber in the county, the location of towers and poles in the county, the cost of installing fiber at the middle- and last-mile levels, demographic and topographic information, and information usually required by federal grantors like USDA, EDA, etc. This GIS data will provide much of the information needed to prepare grant applications for projects that will bring the infrastructure that will improve broadband connectivity in Storey County.

The map will show clearly where the deficiencies are in broadband connectivity across the county, but more importantly it will supply accurate data for grant applications for state and federal funding which can be used to close those gaps.

It is anticipated that unprecedented amounts of money from federal and state sources will be available in the near future to address the broadband problem. To access those funds, communities need to have well planned, well designed projects. A good mapping tool will help greatly in this process by making grant applications for state and federal funding much more competitive.

FINANCIAL IMPACT:

INTERNET SPEED TEST AND GIS DATA COMPONENT - \$40,000 WITH AGENCY CONTRIBUTION OF \$2,850

Membership Cost - \$2,850 – anticipated to become an annual member fee to ensure ongoing testing and ongoing access to current and accurate data.

These funds will support the contractual services to be obtained to conduct the internet speed testing that will result in the GIS Data map. There will be ongoing updates to the map to ensure current and accurate data.

Below is the scope of work to be required of selected consultant:

Consultant Scope of Work:

1. Build the website and weblink for the online speed test to be taken by residents across the region;
2. Create the software and make available to capture the speed test data online;
Plot the speed test data on a map of the WNDD region in an easy-to-read format;
3. Create a multi-layered GIS map by up-loading information on the WNDD region in GIS format such as the location of optical fiber, location of towers and poles, the cost of installing fiber, demographical and topographical data, and other information relevant to applying for funds for broadband infrastructure projects;
4. Train WNDD staff and members on how to use the GIS map as a tool to apply for grants for funds for broadband infrastructure projects;
5. Provide assistance as needed by WNDD members as they apply for broadband infrastructure projects grants.

COMMUNITY PARTICIPATION AND OUTREACH

WNDD will develop the community outreach materials to solicit participation from residents, businesses and institutions to test internet speeds. Each agency will partner with the outreach effort by providing existing agency outreach materials and communications being utilized to invite participation with the speed test.

The marketing material packet provided by WNDD will include copy and graphics for agency website, email newsletters, social media, cable access and print such as flyers, and/or brochures. Production of short videos will also be engaged featuring community leaders to invite participation from citizens to take part in the speed tests. Financial support for this activity will be provided through sponsorships obtained through the WNDD.

PROJECT BENEFITS:

The broadband map will:

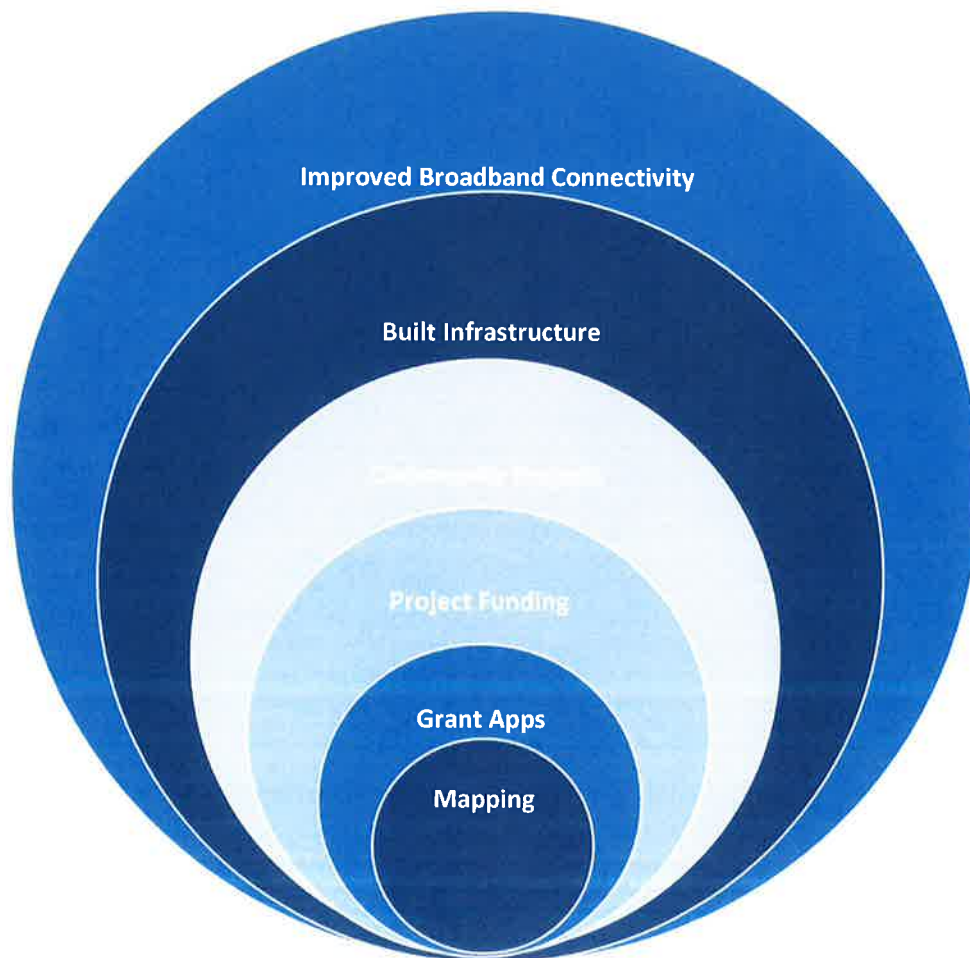
- Demonstrate broadband speeds at street level;
- Show where improvements in connectivity are needed;
- Demonstrate to the community the County Commissioners' commitment to strengthen and expand broadband connectivity;

- Support state and federal grant applications with accurate data for broadband infrastructure projects;
- Encourage collaboration in developing projects for state and federal funding and resolving the digital divide;
- Become the gateway to resources resulting in a network of greater connectivity across the community.

The broadband map is a regional project with regional impact. It will result in economies of scale and efficiencies in implementation, and greater internet connectivity across the region.

This mapping project will start the conversation on broadband deficiencies. Broadband connectivity is extremely hard to define and made more difficult in the case of the WNDD region as it is a diverse region with a mix of rural and urban communities, dense and sparse populations, open and mountainous areas, wealthy, moderate- and low-income areas etc.

Connectivity due to bandwidth is not the only problem. There are affordability issues - where adequate broadband is available but not affordable; device problems where there are not enough devices in a household to access the available internet; and knowledge issues where there is not the understanding and knowledge on how to use the internet and the equipment, even though they are both available. So, there are many problems making broadband connectivity complicated, and the selection and design of projects challenging.





Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021

BOCC Meeting

Estimate of Time Required: 10

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval of Naming of newly acquired Storey County access easement to the Virginia City fairgrounds property.
- **Recommended motion:** In accordance with the recommendation by staff, I [commissioner] move to approve the name Fairgrounds Street for the access easement located between F Street and I and L Streets, south of Flowery Street right-of-way to access the fairground property within Virginia City, Storey County, Nevada.
- **Prepared by:** Kathy Canfield

Department:

Contact Number: 7758471144

- **Staff Summary:** Storey County recently acquired an access easement that allows for public access to the fairgrounds located within Virginia City. To provide clarity for First Responders and directions for the public, Storey County staff desire this access easement be named. As this access easement does not follow the platted street plan layout for Virginia City, staff proposes this access easement be named Fairgrounds Street. See attached Exhibit.
- **Supporting Materials:** See attached
- **Fiscal Impact:** None
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

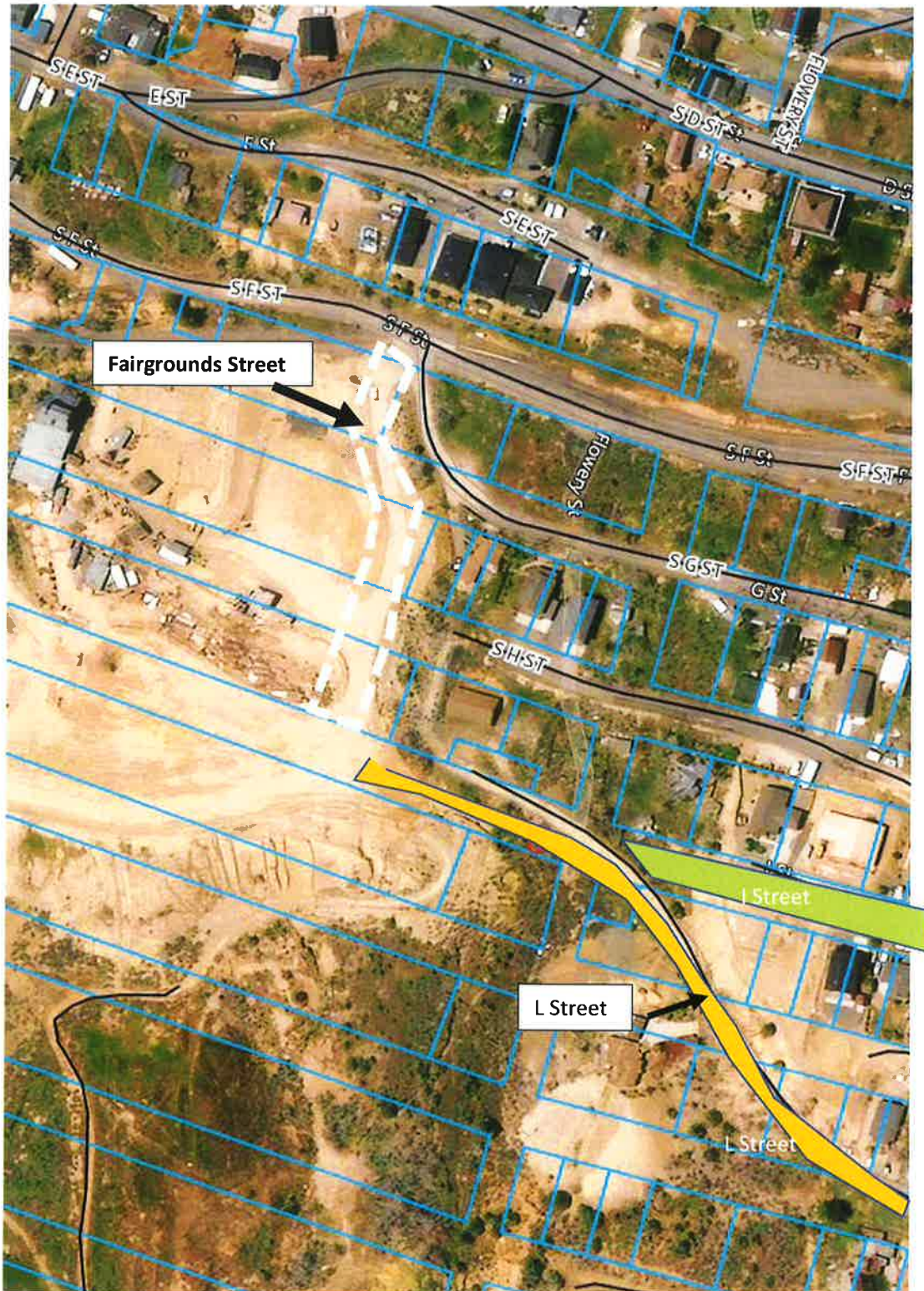
____ County Manager

Other Agency Review: _____

- **Board Action:**

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

Street Names

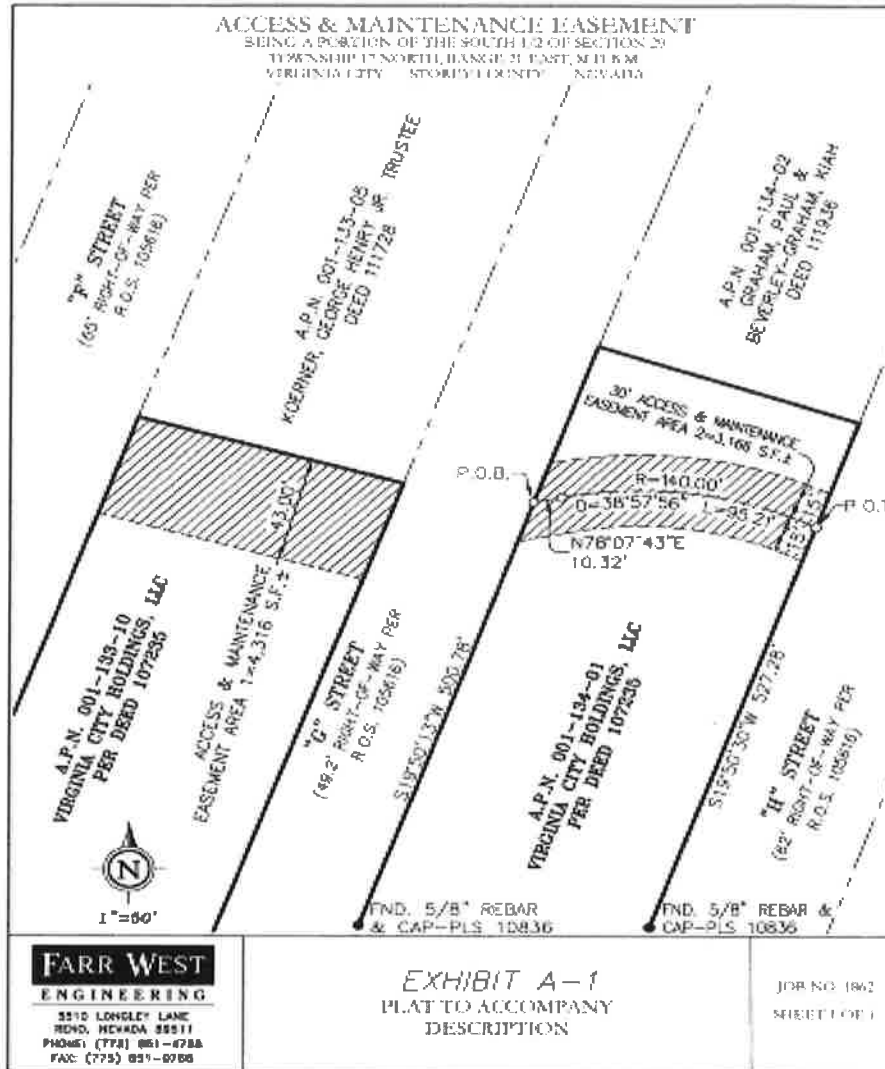


White Dashed: New public access easement and existing Storey County property, to be named Fairgrounds Street.

Yellow: Existing alignment of L Street (crosses K Street and intersects with I Street) following topography of the land. Existing addresses on L Street will not change at this time.

Green: Existing I Street. I Street name remains until the intersection with the Flowery Street right-of-way (also intersecting with L Street).

Approved Access Easement





Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021
BOCC Meeting

Estimate of Time Required: 10

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval of 2021-41 Parcel Map request by applicants Larry Ryan, and John and Eileen Herrington. The applicants request to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.
- **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 [Commissioner], hereby waive the requirement for a Tentative Map and move to approve a Parcel Map to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.
- **Prepared by:** AGENDA_SUBMITTER
- **Department:** _____ **Contact Number:** 7758471144
- **Staff Summary:** See attached staff report
- **Supporting Materials:** See attached
- **Fiscal Impact:** None
- **Legal review required:** False
- **Reviewed by:**

_____ Department Head

Department Name: _____

_____ County Manager

Other Agency Review: _____

- **Board Action:**

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

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 Planning Commission

From: Storey County Planning Department

Meeting Date: September 16, 2021

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada, in person and via Zoom

Staff Contact: Kathy Canfield

File: 2021-41

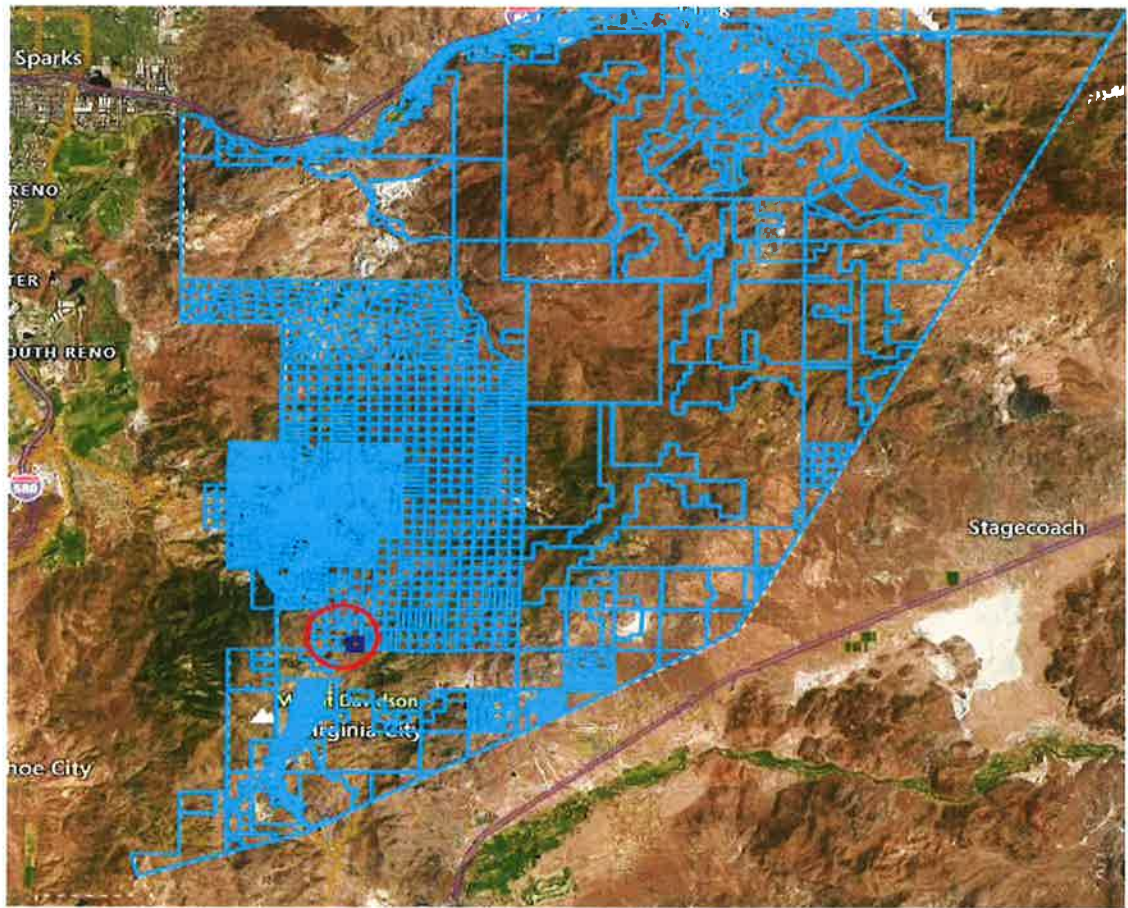
Applicants: Lawrence Ryan, John & Eileen Herrington

Property Location: 27100, 27200 & 27800 Hillside Road, Virginia Ranches, Storey County, Nevada, Assessor's Parcel Numbers (APNs) 004-271-55, 56 & 69

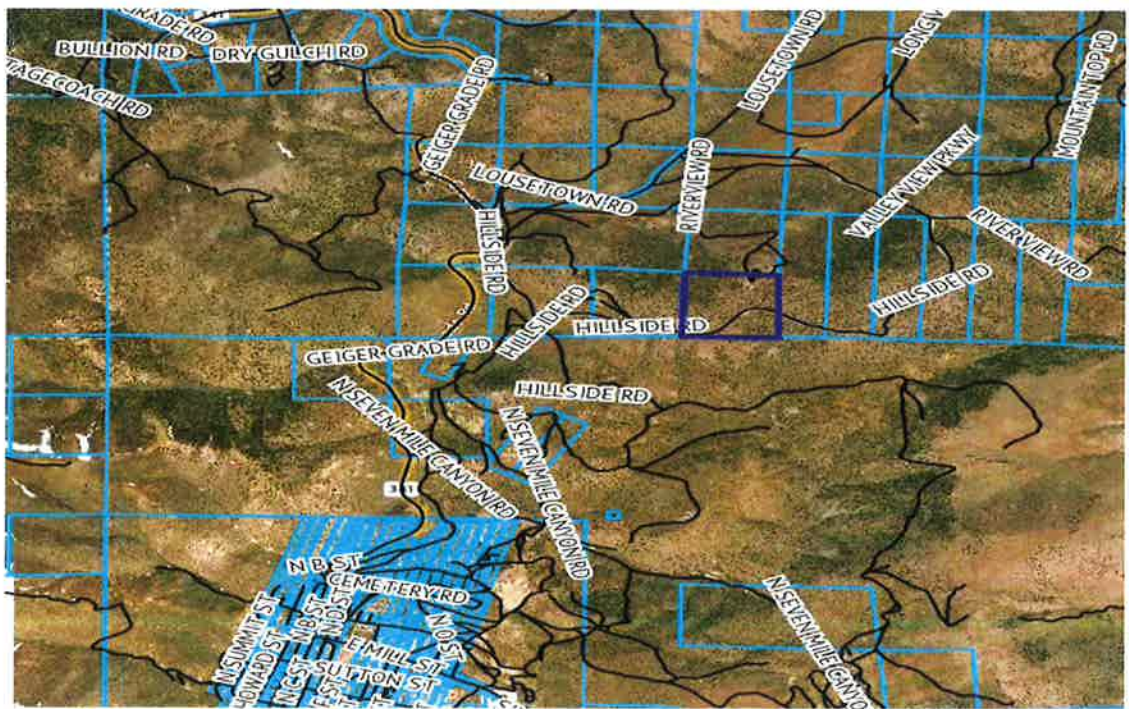
Request: The applicants request to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.

1. Background & Analysis

- A. **Site Location & Background.** This property is located within the 40-acre Estates portion of the Virginia City Highlands, Virginia Ranches. The project involves three 40 acre parcels of land, one owned by Lawrence Ryan, one owned by the Herringtons and a middle parcel with shared ownership of both applicants. Mr. Ryan is desiring to sell his parcel of land and consolidate his portion of the middle parcel with the parcel of land entirely owned by him. It is proposed to split the middle parcel at the diagonal and each portion of the middle lot will be consolidated with the adjacent parcel. Storey County Code and the Nevada Revised Statutes require a Parcel Map to be recorded to document the merger and resubdivision of the land. The resulting Parcel Map will demonstrate the existing three 40-acre parcels become two 60-acre parcels of land with no shared ownership between neighbors.

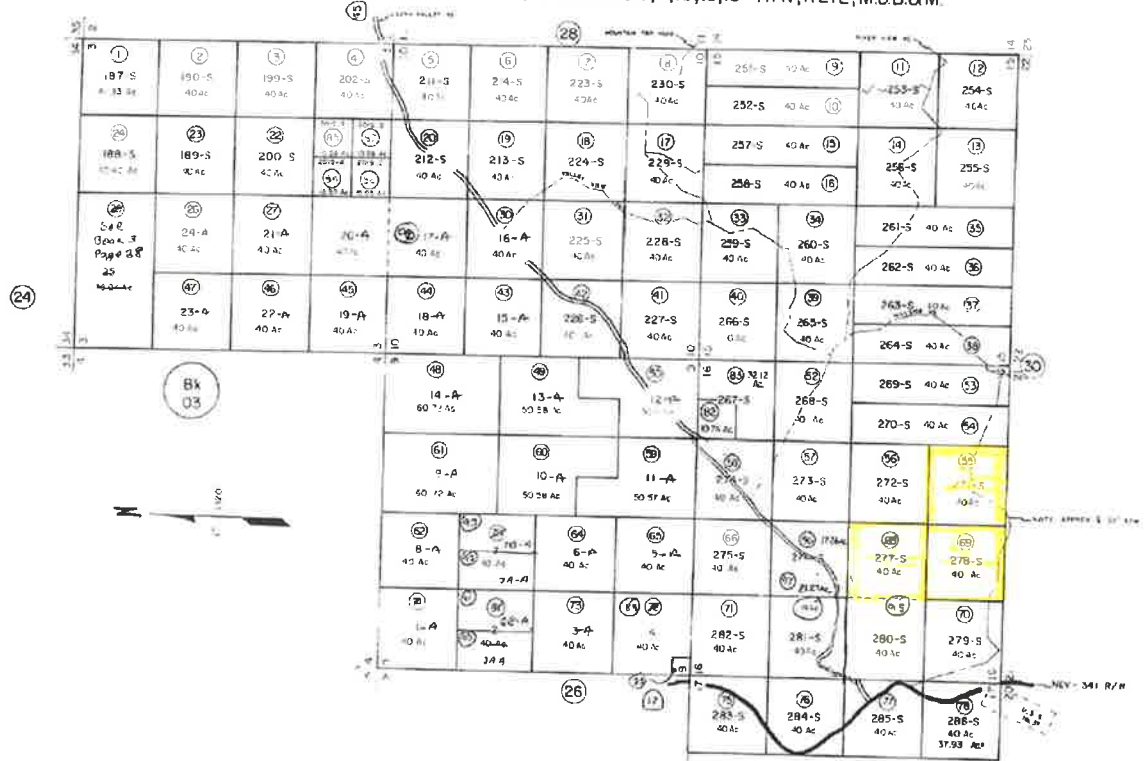


Vicinity Map

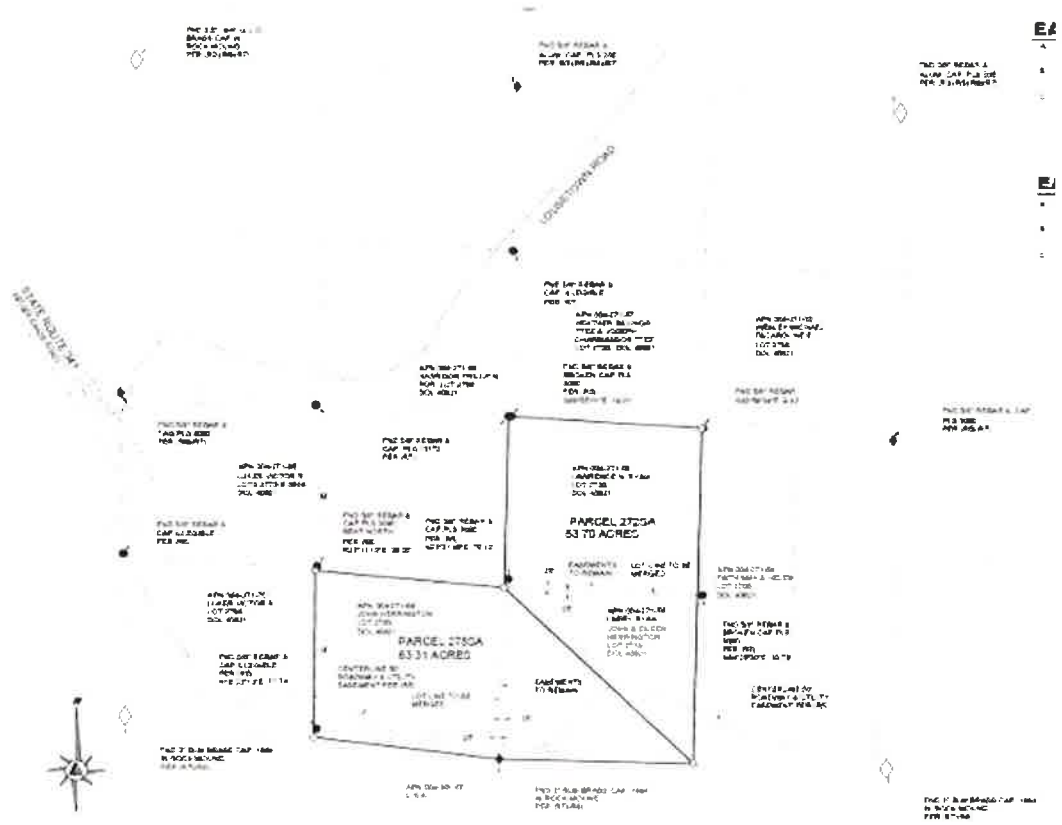


Location Map

Portion of Section 17, & Sections 3,9,10,15,16 T17N,R21E,MDB&M.



Assessor's Parcel Map with exiting parcel configuration



Proposed lot configuration

- B. **Proposed Project.** The applicants request to divide an existing 40 acre parcel and consolidate the divided parcel with two adjacent parcels. The resulting two parcels of land will be approximately 60 acres in size. There is some existing development on the parcels, however, the proposed Parcel Map will create larger parcels. There are no concerns regarding consistency with zoning or building codes with creating the new parcel boundaries. Between the three existing parcels, there are two wells and that number will remain the same with the proposed project.
- C. **Parcel Maps.** Nevada Revised Statutes (NRS) sections 278.461 through 278.469 defines the requirements for Parcel Maps. Storey County has adopted Chapter 16.30 of the Storey County Code to also address Parcel Maps. This proposed project has been reviewed to be consistent with both NRS and Storey County requirements. Typically, a Parcel Map process provides for a Tentative Parcel Map and a Final Parcel Map. Because of the simplicity of this application and going from three existing parcels to two proposed parcels of land, Planning staff is requesting the Planning Commission recommend waiving the requirement for a Tentative Parcel Map. Review of this application considered the requirements for both the Tentative Map and the Final Map.

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 Parcel Map and Storey County Title 17 Zoning or the 2016 Master Plan.

	Land Use	Master Plan	Zoning
Applicant's Land	Residential, vacant	Rural Residential	Estates E-40VR
Land to the North	Residential, vacant	Rural Residential	Estates E-40VR
Land to the East	vacant	Rural Residential	Estates E-40VR
Land to the South	vacant	Resources	Forestry F
Land to the West	vacant	Rural Residential	Estates E-40VR

- B. **Compliance with the Storey County Code.** The parcel is located within the Estates E-40VR zoning district. This zoning requires a minimum lot size of 40 acres. The proposed parcels will exceed the minimum lot size and are consistent with lot dimensions and setback requirements.
- C. **Compliance with 2016 Storey County Master Plan.**
This project is located within the Virginia City Highlands and is identified as Rural Residential. The Master Plan states "Estate Residential areas should retain their rural character and facilitate a safe and predictable environment for rural lifestyles". The proposed project will be consolidating three 40-acre parcels into two 60-acre parcels and is consistent with the Storey County Master Plan.
- D. **Findings for Tentative Parcel Maps**
Section 16.30.060 of the Storey County Code identifies the following factors to be considered when making a determination on the approval of a Parcel Map.

- (1) The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in the county code.

The proposed property is zoned Estates E-40VR and the proposed parcels meet the requirements of the Estates zoning district.

- (2) The proposed parcel map conforms to the public facilities and improvement standards of this county land development code.

The proposed Parcel map does not impact the public facilities and improvement standards of the county land development code.

- (3) The proposed parcel map conforms to the design standards manual.

The proposed parcel configurations are consistent with the design standards.

- (4) The developer and successor owners of each new parcel created understand that the county, county fire protection district, county school district, and special districts in the county are not obligated to furnish any service, specifically mentioning fire protection and roads to the land so divided, and that any public utility may be similarly free from obligation.

This Parcel Map creates two 60-acre parcels from three 40-acre parcels of land. No modifications to existing easements are proposed. Roads, fire protection and other public utility facilities are not expected to be impacted by reducing the number of parcels.

- (5) There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer.

All property taxes for the 21/22 fiscal year have been paid for all three existing parcels. This requirement will also be added as a condition of approval prior to the Final Map being recorded if the time frame for the Parcel Map exceeds the 21/22 fiscal year.

- (6) The project is not located within an identified archeological or cultural study area, as recognized by the county.

This property is not located within a county recognized identified archeological or cultural study area.

- (7) The proposed parcel map that is adjacent to public lands will not cause substantial adverse impact to access to public lands.

There is public land located to the south of the proposed project. No modifications to existing easements or existing access are proposed with this project.

- (8) The proposed parcel map conforms to the county zoning ordinance and master plan.

The Parcel Map conforms to the zoning ordinance and master plan, see Sections 2.B and 2.C of this staff report.

- (9) The proposed parcel map accounts for physical characteristics of the land including floodplains, slope and soils.

The Parcel Map is designed to split an existing parcel of land and will be consolidated with the adjacent parcels. The physical characteristics of the land are known to the property owners and the proposed Parcel Map is not being proposed to support a development plan for the property

- (10) Applicant for the parcel map will relinquish to the state division of water resources water rights necessary to ensure an adequate water supply for the domestic use of the newly created parcel(s) from within the water basin in which the parcel map is located.

As a condition of approval, prior to the recording of the Final Map, the applicant will be required to demonstrate compliance with the State of Nevada, Division of Water Resources, any applicable requirements for the parcel map as they relate to water rights. As the Parcel Map proposes to eliminate an existing lot of record, it is not expected there will be any water related issues to resolve with the State of Nevada Division of Water Resources.

3. Findings of Fact

The Storey County Planning Commission 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 Parcel Map must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Planning Commission 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 regards to the requested Parcel Map when the recommended conditions of approval in Section 4 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

- (1) This approval is for a Parcel Map to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.
- (2) The Parcel Map complies with NRS 278.461 through 278.469 relating to Parcel Maps and Chapter 16.30 of the Storey County Code, including the specific criteria outlined in Section 2.D of this staff report.
- (3) The Parcel Map complies with all Federal, State, and County regulations pertaining to Parcel Maps.
- (4) The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The Parcel Map will not cause the public to be materially injured.

- (6) The conditions of approval for the requested Parcel Map do not conflict with the minimum requirements in Storey County Code Chapters 17.40 E Estates zone or any other Federal, State, or County regulations.

B. Motion for Denial. Should a recommended motion be made to deny the Parcel Map request, the following Findings with explanation of why should be included in that motion.

- (1) Substantial evidence shows that the Parcel Map with the purpose, intent, and other specific requirement of Storey County Code Chapter 16.30 Parcel Maps, or any other Federal, State, or County regulations, including NRS 278.461 through 278.469.
- (2) The Recommended Conditions of Approval for the Parcel Map 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 for a Parcel Map to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.
- B. General requirements.** The Parcel Map must comply with Nevada Revised Statutes (NRS) 278.461 through 278.469 relating to Parcel Maps and Chapter 16.30 of the Storey County Code.
- C. Final Map.** The applicant shall submit to the Storey County Planning Department a Final Map for review and approval, whether or not the Planning Commission/Board of County Commissioners waive the requirement of a Tentative Map, before the Final Map is recorded with the Office of the Storey County Recorder. The Final Map must show all parcel boundaries, easements, and rights-of-way. Upon acceptance of the format, and completion of all other conditions of approval, the Final Map may be recorded. The Final Map must meet the form and contents pursuant to NRS 278.466.
- D. Access and Easements.** All existing streets, easements, and utility easements, whether public or private, must remain in effect and be delineated clearly on the Final Map.
- E. Taxes Paid.** Prior to the recording of the proposed Final Map, the Applicant shall submit to the Planning Department evidence that property taxes on the land have been paid in full for the fiscal year.
- F. Duties of the Parcel Map Preparer.** The preparer of the proposed Parcel Map shall meet all requirements pursuant to NRS 278.461 through 278.469.
- G. Null and Void.** The Final Parcel Map must be recorded with the Storey County Recorder within 12 months of the Board's approval. If the Final Map is not recorded by that time, this approval will become null and void.

- H. **Indemnification.** The Property Owners warrant 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.
- I. **Division of Water Resources.** Prior to the recording of the Final Map, the applicant will be required to demonstrate compliance with the State of Nevada, Division of Water Resources, requirements for the parcel map.

5. Public Comment

As of September 7, 2021, Staff has received no comments from the public.

6. Power of the Board and Planning Commission

At the conclusion of the hearing, the Planning Commission 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 Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Approval is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

This Section contains two motions from which to choose. The motion for approval is recommended by Staff 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 Planning Commission should be made part of either motion.

A. Recommended Motion (motion for approval)

In accordance with the recommendation by staff, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I [*Planning Commissioner*], hereby recommend waiving the requirement for a Tentative Map and recommend approval of a Parcel Map to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.

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, I [*Planning Commissioner*], hereby recommend denial of a Parcel Map to merge three existing 40 acre parcels, Lot 271s, Lot 272s and Lot 278s into one, then resubdivide them to create two approximately 60 acre parcels. The properties are located at 27100, 27200 & 27800 Hillside Road, Virginia Ranches neighborhood of Storey County, Nevada, Assessor's Parcel Numbers 004-271-55, 56 & 69.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021
BOCC Meeting

Estimate of Time Required: 15 min.

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval of Resolution No. 21-632 honoring retiring Joe Curtis for his service with Storey County and to the residents and businesses of the county.
- **Recommended motion:** I [county commissioner] motion to approve Resolution No. 21-632 honoring Joe Curtis for his retirement from service with Storey County and to the residents and businesses of the county.
- **Prepared by:** Austin Osborne

Department:

Contact Number: 7758470968

- **Staff Summary:** Joe Curtis is retiring from 45 years of service with Storey County and is being recognized for his years of service to the residents and businesses of our county.
- **Supporting Materials:** See attached
- **Fiscal Impact:** none
- **Legal review required:** TRUE
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

☐ Approved

☐ Approved with Modification

☐ Denied

☐ Continued

RESOLUTION NO. 21-632

A RESOLUTION HONORING JOE CURTIS

WHEREAS, JOE CURTIS has faithfully served Storey County for over 45 years; and

WHEREAS, JOE CURTIS is dedicated to his job and the citizens of Storey County, and

WHEREAS, JOE CURTIS has served with distinction, earning the respect of all he worked with both locally and statewide; and

WHEREAS, JOE CURTIS' professional skills in several capacities have served to make Storey County a better place to live, work, and play.

THEREFORE IT BE KNOWN to all present that the Board of County Commissioners of Storey County do hereby resolve to commend and honor JOE CURTIS for exemplary service to the people of Storey County, Nevada this 21st day of September, 2021.

PASSED and ADOPTED the 21st day of September 21,2021, by the following:

AYES: Chairman Jay Carmona, Vice Chairman Clay Mitchell, Commissioner Lance Gilman

NAYS: None

ABSENT: None

And Signed: _____
Jay Carmona, Chairman

Clay Mitchell, Vice-Chairman

Lance Gilman, Commissioner

Attested: _____
Vanessa Stephens, Storey County Clerk-Treasurer



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021

Estimate of Time Required: 15 min.

BOCC Meeting

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and approval of Storey County Indigent Defense Service Plan designed to meet the requirements of the State of Nevada in accordance with NRS 260.070 and to comply with the Nevada Supreme Court's orders in ADKT 411.
- **Recommended motion:** I (county commissioners) motion to approve Storey County Indigent Defense Service Plan designed to meet the requirements of the State of Nevada in accordance with NRS 260.070 and to comply with the Nevada Supreme Court's orders in ADKT 411.
- **Prepared by:** Austin Osborne

Department:

Contact Number: 7758470968

- **Staff Summary:** The Storey County indigent defense services plan is proposed to be updated in accordance with NRS and orders made to counties in Nevada by the Nevada Supreme Court in ADKT 411.
- **Supporting Materials:** See attached
- **Fiscal Impact:** none
- **Legal review required:** TRUE
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

☐ Approved

☐ Approved with Modification

☐ Denied

☐ Continued

Storey County Plan for Indigent Defense Services

Est. _____, 2021



STOREY COUNTY INDIGENT DEFENSE SERVICES PLAN

The Storey County Indigent Defense Services Plan ("Plan") has been developed jointly between the Storey County ("Storey County"), the First Judicial District Court ("FJDC"), and the Justice Court of Virginia Township in and for the County of Storey, State of Nevada ("JCVT"). The FJDC and the JCVT may individually be referred to as a "Court," or collectively be referred to as the "Courts." This Plan is designed to meet the requirements NRS 260.070(2) placed on Storey County, and to comply with the Nevada Supreme Court's orders in ADKT 411. This Plan is effective once approved by the Storey County Board of County Commissioners and implemented by the FJDC and the JCVT by administrative order.

1. OBJECTIVE

The objective of this Plan is to:

- a. address:
 1. the determination of a person's status as indigent;
 2. the appointment of counsel for an indigent person in appropriate juvenile, misdemeanor, and felony matters pending before the Courts, including trial and pre-trial proceedings, post-conviction matters, and appeals not subject to Rule 3C of the Nevada Rules of Appellate Procedure; and
 3. the approval of compensation and expenses for appointed counsel, including expert witness fees, investigative fees, and attorney fees; and
- b. ensure an eligible indigent person is provided with qualified counsel to protect his or her constitutional rights.

2. DEFINITIONS

- a. "Conflict Counsel" means a Department qualified attorney to represent indigent persons when the State Public Defender has a conflict and is disqualified from representing an indigent person.
- b. "Counsel" means the State Public Defender, conflict counsel, and a private attorney, unless otherwise defined in a particular section.
- c. "Department" means the Nevada Department of Indigent Defense Services.
- d. "Department qualified" the Department's placement of an attorney on the list of attorneys who are qualified to represent indigent persons in Storey County.
- e. "Indigent Person" means an individual deemed indigent under this Plan.
- f. "Judicial Clerk" means a court clerk or a chambers clerk.
- g. "Private Attorney" means an appointed counsel if no conflict counsel are available, or all of the conflict counsel have a conflict of interest.
- h. "Represent" or "Representation" means legal representation of an indigent person by appointed counsel.
- i. "Services" means services provided to an indigent person during appointed counsel's representation of that person, and includes investigative, expert, and other services.
- j. "State Public Defender" means the Nevada State Public Defender's Office established under NRS Chapter 180 with whom Storey County has contracted with to provide representation and services to an indigent person.

3. APPLICABILITY

- a. This Plan covers appointment of counsel for “indigent defense services,” as that term is defined in NRS 180.004. This covers legal representation and services for a person under the Sixth Amendment to the United States Constitution, NRS 7.115, NRS 34.750, NRS 62D.030, NRS 171.180, and or any law imposing criminal liability on a person that requires or permits the appointment of counsel for an indigent person.
- b. In addition to the representation and services required to be covered under NRS 180.004, this plan also addresses NRS 62D.100, NRS 128.100, NRS 432B.420, and NRS 433A.270, or any other law not involving criminal liability that requires or permits the appointment of counsel, whether or not for an indigent person.
 - 1. The appointment of counsel under NRS 62D.100, NRS 128.100, NRS 432B.420(1), and NRS 433A.270 will follow the procedures in this Plan.
- c. This Plan does not cover NRS Chapters 159, 159A, or 253.
- d. Notwithstanding any other section of this Plan, under NRS 180.004 the Department’s regulations apply only to attorneys providing services in cases under section 3(a). The Department’s regulations do not apply to attorneys providing services in cases under section 3(b).
- e. This is a holistic plan to address the provision of representation and services to individuals under applicable law in Storey County, beyond that required by applicable statute and regulation. The functioning of such representation and services in Storey County relies upon the State Public Defender representing parents in NRS Chapter 432B actions. If the State Public Defender fails to represent parents in NRS Chapter 432B actions or if any part of this Plan is required to be modified, Storey County or the Courts, in their sole discretion, may terminate this Plan and reevaluate indigent defense services in Storey County.

4. CASES IN WHICH COUNSEL MUST OR MAY BE APPOINTED

- a. Mandatory Appointment. Representation must be provided for any indigent person who:
 - 1. is charged with a felony;
 - 2. is charged with a misdemeanor or gross misdemeanor in which the prosecution is seeking jail time (incarceration);
 - 3. is alleged to have violated probation or other supervision and a jail or prison sentence of confinement may be imposed;
 - 4. is seeking relief under NRS 34.724(1) from a death sentence, under NRS 34.750;
 - 5. is a minor alleged to have committed an act of juvenile delinquency, under NRS 62D.030;
 - 6. a minor who has been placed outside of his or her home pursuant to NRS Chapter 432B and is involved in a proceeding to terminate the rights of the minor’s parents, under NRS 128.100(2);
 - 7. is a minor who is alleged to have been abused or neglected, under NRS 432B.420;
 - 8. is a parent of an Indian minor who is alleged to have abused or neglected the minor, under NRS 432B.420(3);
 - 9. is a person who is facing involuntary commitment, under NRS 433A.270;
 - 10. is in custody as a material witness;

11. is entitled to appointment of counsel under the Sixth Amendment to the United States Constitution or any provision of the Nevada Constitution;
 12. is entitled to appointment of counsel because due process requires the appointment of counsel;
 13. is likely to face Court imposed jail or prison time;
 14. faces loss of liberty in a case and Nevada law requires the appointment of counsel;
 15. faces loss of liberty for criminal contempt; or
 16. has received notice that a grand jury is considering a charge against him/her and has requested counsel.
- b. Discretionary Appointment. When a court determines that the interests of justice so require, representation may be provided for any indigent person:
1. who is:
 - i. seeking post-conviction relief under NRS 34.724(1), other than from a death sentence, under NRS 34.750;
 - ii. a parent of a minor who is alleged to be delinquent or in need of supervision, under NRS 62D.100(1);
 - iii. a minor involved in a proceeding to terminate or restore parental rights, under NRS 128.100(1);
 - iv. a parent who is facing a proceeding to terminate or restore his or her parental rights, under NRS 128.100(3);
 - v. is alleged to have abused or neglected a child, under NRS 432B.420;
 - vi. charged with civil contempt and faces loss of liberty; or
 - vii. called as a witness before a grand jury, a court, or any agency which has the power to compel testimony, if there is reason to believe, either prior to or during testimony, that the witness could be subject to criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty; or
 2. in any other case in which the court determines in the interests of justice appointment of counsel is appropriate.

5. DETERMINATION OF INDIGENCY

- a. A person must be deemed indigent, and is eligible for appointment of counsel to represent the person, if the person is unable, without substantial hardship to himself or herself or his or her dependents, to obtain competent and qualified legal counsel on his or her own.
- b. "Substantial hardship" is presumed for a person who:
 1. receives public assistance, including food stamps, temporary assistance for needy families, Medicaid, or disability insurance;
 2. resides in public housing;
 3. earns less than 200 percent of the Federal Poverty Guidelines;
 4. is currently serving a sentence in a correctional institution;
 5. is housed in a mental health facility, or
 6. is a minor.
- c. If substantial hardship is not presumed for a person, a Court may deem a person to have a substantial hardship based upon the person's particular circumstances, including:

1. the nature, extent, and liquidity of the person's assets;
 2. the person's disposable income from all sources;
 3. the person's monthly expenses;
 4. the seriousness of the charges that the person is facing;
 5. whether the person is able to comprehend the proceedings and the charges that the person is facing;
 6. the effort and skill required to gather pertinent information about the case;
 7. the length and complexity of the proceedings;
 8. local private counsel rates;
 9. whether discovery is needed in post-conviction proceedings; or
 10. any other consideration that bears upon the person's ability to retain and pay an attorney.
- d. The Court may determine that a person is partially indigent if the Court finds that a person can afford private counsel or has retained counsel, but the person cannot be effectively represented due to the person's inability to pay for necessary services.
- e. A finding of indigency is not required under:
1. NRS 62D.030(3), for a minor alleged to have committed an act of juvenile delinquency;
 2. NRS 62D.100(1), for a parent of a minor alleged to have committed an act of juvenile delinquency;
 3. NRS 128.100(2), for a minor who has been placed outside of his or her home pursuant to NRS Chapter 432B and is involved in a proceeding to terminate the rights of the minor's parents;
 4. NRS 432B.420(2), for a minor who is alleged to have been abused or neglected;
 5. NRS 432B.420(3), for the parent of an Indian minor who is alleged to have been abused or neglected; or
 6. NRS 433A.270, for a person who is facing involuntary commitment.

6. SCREENING FOR INDIGENCY

- a. Screening for indigency and substantial hardship must be conducted by the Storey County Sheriff's Office, or other court or law enforcement personnel:
1. within 48 hours, or sooner as required by applicable law:
 - i. for a person who is booked into the Storey County Jail or a juvenile detention facility; or
 - ii. for a person who appears before a Court and requests, or is required to be appointed, counsel; or
 2. within the time frame directed by the Court.
- b. The screening results must be provided to the Courts immediately upon completion.

7. TIME FOR APPOINTMENT OF COUNSEL

- a. The Court must review the screening results and the case to determine:
1. if a person has requested representation, whether:
 - i. the appointment of counsel is mandatory or the interests of justice require the discretionary appointment of counsel; and
 - ii. the person is indigent or partially indigent; or

2. if a person is required by law to be appointed counsel.
- b. An attorney must be appointed for any eligible indigent person:
1. as soon as feasible after:
 - i. formal charges being filed against a person held in custody;
 - ii. a person's first appearance before a judge; or
 2. as required by any other applicable provision of law;
 3. when a Court otherwise considers appointment of counsel appropriate; or
 4. otherwise as soon as feasible.
- c. An eligible indigent person must be appointed:
1. one attorney, except in a capital case; or
 2. two attorneys in a capital case in which a person is reasonably believed to face capital punishment; at least one of the two attorneys appointed in a capital case must meet the minimum standard for lead counsel pursuant to Rule 250 of the Nevada Supreme Court Rules and both attorneys appointed must conform to the performance guidelines or standards for capital cases as adopted by the Nevada Supreme Court.

8. APPOINTMENT OF COUNSEL

- a. Attorneys appointed for co-defendants may not be from the same law firm.
- b. The indigent defense coordinator will generally follow the procedure in this section to select counsel. The indigent defense coordinator may, however, select as counsel for an indigent person the counsel that represented the indigent person in a previous action if it would be in the indigent person's best interests to have the same counsel and would facilitate the indigent person's defense.
- c. Unless the indigent defense coordinator is aware of a conflict in a particular case for the State Public Defender, the indigent defense coordinator must first select the State Public Defender to represent an eligible indigent person.
 1. The State Public Defender must determine whether it may accept the representation and conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the person. If the State Public Defender cannot accept the representation or a conflict is determined to exist, the State must notify the indigent defense coordinator.
 2. The assignment to a case of a specific attorney, or attorneys, working for the State Public Defender rests solely within the discretion of the State Public Defender.
- d. If the State Public Defender has a conflict or is otherwise unable to represent an eligible indigent person, the indigent defense coordinator will select conflict counsel.

1. The indigent defense coordinator will use his or her best effort to balance the number of cases assigned to each conflict counsel, and the workload of each conflict counsel, by fairly rotating the case assignments through the list of conflict counsel.
 2. Unless the indigent defense coordinator is aware of a conflict in a particular case for a conflict counsel, the indigent defense coordinator will contact the next conflict counsel on the list. The contacted conflict counsel must conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the person. If a conflict is determined to exist, the conflict counsel must notify the indigent defense coordinator. A conflict counsel must conduct the conflict checks and notify the indigent defense coordinator within 1 day of being appointed.
 3. If the contacted conflict counsel has a conflict, the indigent defense coordinator will follow the procedure in subsection 1 and contact the next conflict counsel in the rotation until a conflict counsel accepts the case, or all conflict counsel are unavailable or have a conflict of interest.
- e. If no conflict counsel are available, or if all conflict counsel have a conflict of interest, the indigent defense coordinator will contact private attorneys.
1. The indigent defense coordinator will use his or her best efforts to balance the number of cases assigned to each private attorney, and the workload of each private attorney assigned by the Courts, by fairly rotating the case assignments through the Department list of private attorneys. Cases will be assigned to private attorneys having an office in Storey County first. If no private attorney on the Department list is available in Storey County, cases will be assigned to private attorneys having an office in Douglas, Lyon, Storey, or Washoe Counties. Private attorneys having offices in other counties are deemed to be too remote to Storey County to provide effective assistance of counsel.
 2. Unless the indigent defense coordinator is aware of a conflict in a particular case for a private attorney, the indigent defense coordinator will contact the next private attorney on the list. The contacted private attorney must conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the person. If a conflict is determined to exist, the private attorney must notify the indigent defense coordinator. A private attorney must conduct the conflict checks and notify the indigent defense coordinator within 1 day of being appointed.
 3. If the private attorney has a conflict, the indigent defense coordinator will follow the procedure in subsection 1 and contact the next private attorney on the Department list until a private attorney accepts the case, or all private attorneys on the Department list are unavailable or have a conflict of interest.
- f. If no counsel is available to represent the indigent person, the indigent defense coordinator may contact, and the Court may appoint, any attorney who, in the Court's discretion, will provide competent representation to the indigent person. The indigent defense coordinator and the Court will use their best efforts to contact and appoint an attorney who will comply

with Department's regulations, if applicable. An attorney based in Washoe County who the Courts appoint to represent indigent persons in Storey County must comply with Department's requirements for counties whose population is 100,000 or more.

- g. The Court will enter an order appointing counsel or an attorney to represent the indigent person.
- h. Any counsel or attorney appointed in cases involving juveniles must be experienced in juvenile matters, or must otherwise be able to provide competent representation to the indigent person.

9. RECONSIDERATION OF DETERMINATION OF INDIGENCY

If a person or the person's counsel or attorney is unsatisfied with the Court's determination of indigency or partial indigency, the person or the person's counsel or attorney may request reconsideration of the Court's determination of indigency.

- a. A FJDC department will review a decision made by a JCVT court.
- b. The department of the FJDC not assigned to the case will review a decision made by a FJDC court
- c. The decision of a juvenile court master may be objected to under juvenile court procedures.

10. CHANGE IN ELIGIBILITY

- a. Appointed counsel must advise the Court if, or when, an indigent person has a change in his or her financial condition that may make him or her ineligible for public payment for indigent representation.
- b. Information that an indigent person provides to his or her appointed counsel that concerns the person's eligibility as an indigent person for appointment of counsel is not protected as a privileged attorney-client communication.

11. COMPENSATION

- a. Storey County will compensate the State Public Defender as provided by NRS Chapter 180 for representation of indigent persons.
- b. Storey County will compensate conflict counsel and other attorneys under this Plan or other applicable law for time that is reasonable and necessary for representation of an indigent person.
- c. Unless otherwise provided in a contract, conflict counsel, private attorneys, and attorneys (collectively "counsel" for this section) may seek compensation for representation of an indigent person through the following procedure.
 - 1. Counsel must submit a request for compensation to the indigent defense coordinator, using a form prescribed by the indigent defense coordinator.
 - i. The request must be supported by a sworn statement specifying time entries rounded to the nearest one-tenth of an hour, a detailed description of the work performed for the representation, a description of the compensation rate applicable to counsel, and any compensation already received from any

- source for representation in the case. The invoice must comply with the requirements of section 14.
- ii. Counsel must submit a request for compensation at least quarterly, but in any event within 60 days after the date that the representation is terminated. Requests submitted more than 60 days after representation is terminated will be denied.
 - iii. The indigent defense coordinator will submit the request to a senior judge, if available, or a judge pro tempore, if a senior judge is not available, to review the request for compensation. The senior judge or judge pro tempore will approve or deny the request. The senior judge or judge pro tempore will not hold a hearing regarding the request.
2. If the request is denied, counsel may file a motion for compensation with the trial court within 7 days of service of the denial of compensation. A motion for compensation must contain the request for compensation, any information accompanying the request, the denial of the request for compensation, and a proposed order. The Court may order counsel to provide further information regarding the motion for reconsideration. A hearing will not be held on the motion unless ordered by the Court.

12. EXPENSES

- a. Storey County will reimburse the State Public Defender, conflict counsel, private attorneys, and any other attorney (collectively “counsel” for this section) for reasonable and necessary expenses for services.
 - b. If funding is provided by the State of Nevada, Storey County will provide a fund of up to \$1,500 per case for counsel to spend without prior approval. Counsel may invoice Storey County directly for such expenses. The invoice must be on a form proscribed by the Storey County Finance Department, must comply with section 14, and the invoice or receipt for services must be attached to the invoice. Storey County will pay counsel directly for these expenses unless otherwise requested. The payee must comply with all applicable Storey County requirements for government payees.
 - c. Absent funding under subsection 12(b), and unless otherwise provided in a contract, counsel may incur expenses for services costing \$1,000 or less, but must obtain pre-authorization for expenses for services costing more than \$1,000. Expenses for services costing \$1,000 or less must be reasonable and necessary for representation of the indigent person, and may be denied, even if already spent, if it is determined that the services were not reasonable and necessary for representation of the indigent person.
 - d. Counsel may seek reimbursement or pre-authorization for expenses through the following procedure.
1. Counsel must submit a request for reimbursement or pre-authorization of expenses to the indigent defense coordinator, using a form prescribed by the indigent defense coordinator.

- i. The request must be supported by a sworn statement specifying the services rendered or requested, the cost of the services, why the services are reasonable and necessary for the representation, and any compensation already received from any source for the services. The invoice accompanying the request must comply with the requirements of section 14.
 - ii. Counsel must submit a request for expenses at least quarterly, but in any event within 60 days after the date that the representation is terminated. Requests submitted more than 60 days after representation is terminated will be denied.
 - iii. The indigent defense coordinator will submit the request to a senior judge, if available, or a judge pro tempore, if a senior judge is not available, to review the request for compensation. The senior judge or judge pro tempore will approve or deny the request. The senior judge or judge pro tempore will not hold a hearing regarding the request.
- 2. If the request is denied, counsel may file a motion for compensation with the trial court within 7 days of service of the denial of expenses. A motion for compensation must contain the request for compensation, any information accompanying the request, the denial of the request for compensation, and a proposed order. The Court may order counsel to provide further information regarding the motion for reconsideration. A hearing will not be held on the motion unless ordered by the Court.

13. SEALED AND EX PARTE REQUESTS FOR COMPENSATION AND EXPENSES

- a. Any documents concerning requests for compensation or expenses or reconsideration filed with the Court under sections 11 and 12 may be sealed at the request of the counsel or attorney until final judgment is entered in the case.
- b. Any hearings under sections 11 or 12 must be held ex parte, without the presence of the prosecution.

14. PAYMENT FOR COMPENSATION AND EXPENSES

- a. Requests for compensation and expenses or for reconsideration will be denied if not timely submitted.
- b. Invoices for requests for compensation and expenses under sections 11 and 12 must conform to government accounting standards.
- c. Invoices for representation or services provided to an inmate of the Nevada State Prison system, or any person acting in concert with the inmate, for an escape, an attempted escape, or a crime committed while incarcerated must state on the invoices that the services are provided to such an inmate of the Nevada State Prison system.
- d. Any person requesting payment from Storey County must be registered with Storey County as a vendor and have a 1099 tax form and a business license on file with Storey County.
- e. The indigent defense coordinator will forward any request or order approving a motion for compensation or expenses to the Storey County Finance Department ("Finance"), or its designee, for payment processing.

- f. Finance may review the request, order and motion, and request clarification of any portion of the request, order or motion, from the indigent defense coordinator, the court, if approved by court order, or counsel or an attorney.
- g. Storey County will pay counsel or a vendor within 30 days after receipt of the approved request for compensation or expenses, or if Finance requested clarification concerning the request, within 30 days after Finance receives clarification. If the expense is time sensitive, counsel or an attorney may request payment sooner.

15. DEPARTMENT REQUIREMENTS AND INTERACTION

- a. The State Public Defender's Office must independently make arrangements for required caseload and time reporting to the Department, as required by the Department.
- b. Conflict counsel and private attorneys must individually, or by firm if contracted or appointed by firm, make arrangements for required caseload and time reporting to the Department.
- c. The assigned counsel must make accommodations for confidential communication with the indigent person. Jail and courthouse facilities for attorneys' use for discussions with witnesses or clients are generally available to counsel representing indigent persons for attorney/client meetings to the same extent that they are available to other counsel. Such facilities include the attorney meeting rooms outside of each courtroom, and private meeting space within the jail. Counsel who are not familiar with the accommodations at the Courts or the Storey County Jail may ask the Court Clerk's Office or jail personnel for assistance in speaking privately with the indigent person.
- d. Counsel or the Courts must provide client surveys authorized by the Nevada Board on Indigent Defense Services to an indigent person appointed counsel under this Plan.
- e. Complaints about counsel or attorneys must be forwarded to the Department and to the Court Administrator.
- f. If counsel or an attorney becomes aware of a complaint concerning representation of an indigent person that rises to the level of interfering with the representation of the indigent person, the counsel or attorney must timely notify the Court.
- g. Counsel and attorneys must comply with all applicable law concerning representation of an indigent person, including, but not limited to: the U.S. and Nevada Constitutions, the Nevada Revised Statutes, the Nevada Rules of Professional Conduct, and the Nevada Indigent Defense Standards of Performance implemented by the Nevada Supreme Court.
- h. Counsel and attorneys must comply with all applicable court rules. This Plan does not supersede court rules.
- i. The Department must provide to Storey County and the Courts on July 1 of each year a then current list of Department qualified conflict counsel and private attorneys, and must update the list with the Courts as other conflict counsel and private attorneys are added to or are removed from the list.
- j. Sections 16(a), (b), (d), and (e) apply only to cases under section 2(a) of this Plan.



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021

Estimate of Time Required: 10 Min

BOCC Meeting

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval to apply up to \$250,000 for development of Preliminary Engineering Designs and Environmental Studies as required for the application of funds by the Federal Economic Administration's American Rescue Plan Grants. Funds in the amount of \$250,000 were allocated to sewer and water projects on December 15, 2020, under Ordinance number 20-317.
- **Recommended motion:** I (commissioner), move to approve application of up to \$250,000 for development of Preliminary Engineering Designs and Environmental Studies as required for the application of funds by the Federal Economic Administration's American Rescue Plan Grants. Funds in the amount of \$250,000 were allocated to sewer and water projects on December 15, 2020, under Ordinance number 20-317.
- **Prepared by:** Lara Mather

Department:

Contact Number: 7758470986

- **Staff Summary:** The Federal Economic Administration's American Rescue Plan Grants require all project applications to include a preliminary engineering design and environmental study in the initial packet.
- **Supporting Materials:** See attached
- **Fiscal Impact:**
- **Legal review required:** False
- **Reviewed by:**
____ Department Head
____ County Manager
- **Board Action:**

Department Name:

Other Agency Review: _____

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

Revised June 2021. Please check EDA's website before using this template to confirm that you are using the latest version. As of the date of this version, the current template can be found at the bottom of the "Funding Opportunities" page at EDA.gov.

Environmental Narrative Requirements

The National Environmental Policy Act (NEPA) requires Federal agencies to assess the potential environmental impacts associated with proposed federal actions, including financial assistance. Applicants are encouraged to contact their designated Economic Development Representative or the applicable EDA Regional Environmental Officer with questions regarding this template and/or the appropriate level of documentation (please see the EDA website or the applicable Federal Funding Opportunity for contact information). Resources of available information are listed in many of the sections. If you are using a locally saved copy of this template, please check EDA's website to confirm this is the current version.

For further information regarding EDA's obligations under NEPA, please refer to the regulations for implementing NEPA at 40 C.F.R. 1500-1508. The Council on Environmental Quality's 2007 guidance document "A Citizen's Guide to the NEPA" is another resource available online.

Several issues discussed in the environmental narrative below may require consultation with other State or Federal agencies at a later date (for example, the State Historic Preservation Office, the U.S. Fish and Wildlife Service, or the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS)). While EDA does not require that applicants complete such consultations before submitting an initial application, applicants should be aware that in the event their project is selected for further evaluation for funding, EDA may delegate these consultations to the applicant and expect them to be completed in an expeditious manner and prior to approval of an award.

Applicants must provide information on the following items in the environmental narrative. For any area in which the applicant asserts that an item is not applicable to a project, provide an explanation.

A. PROJECT DESCRIPTION

1. Beneficiaries

Identify any existing businesses or major developments that will benefit from the proposed project, and those that will expand or locate in the area because of the project.

2. Proposed Construction

As an exhibit to this Narrative, provide a topographical map of the project area and a site map (with legend and north arrow) displaying the project location and boundaries, existing and proposed project components and location of all sites and/or companies benefitting from the proposed project. The documents should be of sufficient clarity for adequate interpretation of the Applicant's intentions.

Describe the project construction components in detailed, quantifiable terms. Describe the project location, proposed construction activities (e.g., grading, trenching), and schedule. **It is sufficient to simply reference the Preliminary Engineering Report (PER) here if a PER containing this information has been submitted or will be submitted concurrently.** See the mock example below for the level of specificity expected by EDA:

The City of _____ is proposing to construct a 30-inch (in) water line which would be constructed within an existing 50-foot City of _____ right-of-way (ROW) and measure 1,220 linear feet (lf). The project is located within Township 39N, Range 10E, Section 24 in the City of _____, _____ County, [[[State]]]. The project would be constructed over a three-month period from April June 2011. Construction of this project would entail trenching a 1 ft wide by 3 ft. deep ditch and installing the 30-in. pipe within the existing ROW. Total land disturbance will be 2.1 acres. The construction staging area would be located entirely within the existing ROW. Minor maintenance would occur during the operation of the waterline, but would not entail any ground disturbing activities.

3. Need and Purpose

Provide a brief summary of the underlying need and purpose of the proposal for EDA funding.

4. Alternatives to the Proposed Project

Based in the Need and Purpose summary above, provide a detailed description of alternative actions that were considered during the project planning but were not selected (e.g., alternative locations, designs, scopes, other projects having similar benefits, and a “no project” alternative). Explain why this project/site was selected as the preferred alternative. Provide detail on why other alternatives were rejected (e.g. did not meet the purpose and need of the project, implicated more environmental receptors, had greater climate impacts or were at greater risk to climate change than the proposed action). If the selected project would impact wetlands or floodplains, please provide a detailed description of alternatives to those proposed impacts.

B. HISTORIC/ARCHEOLOGICAL RESOURCES

Identify any known historic/archeological resources within the project site(s) or area of potential effect that are either listed on the National Register of Historic Places or considered to be of local or State significance and perhaps eligible for listing on the National Register. In many states, the State Historic Preservation Office (SHPO) maintains GIS databases of historic properties and cultural resources. Delineate an Area of Potential Effect (APE) for the project. The APE is the geographic area or areas within which a proposal may cause changes in the character or use of historic properties, which would include (but is not limited to) any new development or renovation by the beneficiary facilitated by the proposed EDA project. Discuss the potential impacts of the project on culturally significant resources and provide a determination as to whether there will be: no historical properties/cultural resources present; no historical properties/cultural resources adversely affected; or historical properties/cultural resources adversely affected.

Note that the applicant is not required to contact the SHPO until directed to do so by EDA. If comments from the SHPO have already been received, they should be attached along with copies of the information provided to the SHPO. If you wish to initiate early consultation, please consult the website of the appropriate SHPO for instructions on required information.

C. AFFECTED ENVIRONMENT

For the resource areas identified below, indicate potential direct and indirect impacts from proposed project activities and specify proposed measures to mitigate probable impacts. Direct impacts are caused by the proposed action and occur at the same time and place. Indirect impacts are those that are caused by a proposed action, but that may occur later in time or farther removed in distance, relative to the primary impacts of the proposed action (40 C.F.R. Section 1508.8) Development induced by the proposed project would be an example of an indirect impact.

1. Affected Area

Describe the general project area, including topography, historic land usages, unique geological features, and economic history. Provide site photographs if available. Identify native vegetation and wildlife found in the project area or its immediate vicinity. Describe the amount and type of vegetation in the project area and indicate the impact to vegetation if removed (e.g., 1.2 acres of early successional native hardwood forest). Identify any designated State and National Parks, National Wildlife Refuges, or National Game Preserves located on or in the vicinity of the proposed project activities. Identify any Wilderness Areas, as designated or proposed under the Wilderness Act, or wild or scenic rivers, as designated or proposed under the Wild and Scenic Rivers Act, or other lands protected under state or federal law that are located on or in the vicinity of the proposed project activities.

1. Please describe any direct effects
2. Please describe any indirect effects

2. Coastal Zones

Indicate whether the project is located within a designated coastal zone subject to the Coastal Zone Management Act. Information on coastal zone boundaries is available on the NOAA's website. Identify any shorelines, beaches, dunes, or estuaries within or adjacent to the project site(s) and explain how the proposed project is consistent with the state's Coastal Zone Management Plan. If state concurrence is required, identify the state's Coastal Zone Management Agency.

3. Wetlands

Identify any wetlands within or adjacent to the project site(s). If available, provide an on-site wetland/waters delineation performed in accordance with the 1987 (or current version) USACE Wetland Delineation Manual, as amended. Provide any correspondence from USACE, including any jurisdictional determination or permit documents.

1. Provide a determination of direct and indirect effects including the amount of jurisdictional waters affected by type (e.g. 1.1 acres of palustrine emergent wetlands would be impacted by the proposed project).
2. If any wetlands would be impacted by the project, provide an analysis of alternatives to wetland impact in this section or in the Alternatives to the Project section above.
3. Describe any mitigation plans here or in Section D below.

Also indicate if there are any proposed overwater structures that could impact navigable waters as defined in 33 CFR part 329.

If wetlands, streams, or navigable waters may be impacted, it is recommended that Applicants contact USACE concerning any jurisdictional waters resources.

4. Floodplains

Please state whether the project is located within a mapped 100- or 500-year floodplain. Provide a FEMA floodplain map (with the map number and effective date) displaying the project location and boundaries, existing and proposed project components, and location of all sites and/or companies benefiting from the proposed project. The document should be of sufficient clarity for adequate interpretation of the applicant's intentions.

Floodplain maps can be viewed and printed from FEMA's website. If FEMA floodplain maps do not exist in the project area, provide a letter from a Professional Engineer regarding the presence or absence of a 100-year floodplain.

- i) Describe direct and indirect effects to 100-year floodplains, if any.
- ii) If any 100-year floodplains would be impacted by the project, provide an analysis of alternatives to floodplain impact in this section or in the Alternatives to the Project section above.
- iii) Indicate whether the Applicant's community participates in the National Flood Insurance Program.
- iv) Indicate if a critical action (e.g., emergency response facility, hospital, wastewater treatment plant) is being located within the 500-year floodplain.

5. Climate Change

Identify any current or potential risks to the project due to climate change (e.g., flooding, wildfires, sea level rise, severe weather), utilizing federal resources, including the National Climate Assessment. Describe any steps taken in the planning and design of the project to mitigate those risks, including utilizing federal resources such as the U.S. Climate Resilience Toolkit. Identify any ways in which the project may contribute to future climate risks, such as by increasing flood risks, and any potential measures for mitigating those contributions. Describe any steps taken to reduce the project's immediate and future carbon footprint (e.g., use of renewable building materials, incorporation of energy-efficient design features).

6. Endangered Species

Provide a list of all threatened, endangered, and candidate species located in or near the project area, including any proposed development by the beneficiary, and the immediate vicinity. Identify these species' potential or existing habitat, and critical habitat designations in the project area. Identify the potential for direct or indirect impacts on these species. Critical habitat designations, lists of protected species by county, and information on effect determinations are available on the FWS website. The FWS' web-based Information, Planning, and Conservation System (IPaC) may also be useful for the early planning stage of a project. If an Effect Determination or Biological Assessment has been completed for any of the species listed, please provide. Attach any correspondence with FWS that exists related to their proposal. For projects with possible impacts to fisheries and marine/coastal species, provide any correspondence with NMFS.

7. Land Use and Zoning

Describe the present formal zoning designation and current land use of the project site and adjacent land parcels. The areas include: the site of construction activities, adjacent areas, and areas affected by the primary beneficiaries. Land uses to be considered include, but are not limited to, industrial, commercial, residential, agriculture, recreational, woodlands, mines/quarries, and open spaces. Please indicate whether the project is located entirely within a city limit. Identify agriculture land parcels designated as "prime/unique agriculture lands" by the U.S. Department of Agriculture (USDA) under the Federal Farmlands Protection Act or a local equivalent. Additional information may be found at the USDA's Natural Resources Conservation Service website.

8. Solid Waste Management

Indicate the types and quantities of solid wastes to be produced by the project facilities and primary beneficiary. Describe local solid waste collection and disposal methods and the expected useful life of the disposal facility. Indicate if recycling or resource recovery programs are currently being used or will be used in the future.

9. Hazardous or Toxic Substances

Describe any toxic, hazardous, or radioactive substances that will be utilized or produced by the proposed project facilities and primary beneficiaries. Describe the manner in which these substances would be stored, used, or disposed. Complete and sign one "Applicant Certification Clause" for each co-applicant (see Appendix A). Indicate if hazardous or toxic substances have been or must be remediated prior to construction, demolition, or renovation. If a recent Phase I or Phase II Environmental Site Assessment has been performed, please provide a copy of the executive summary (a full copy may be requested at a later date).

10. Water Resources

Describe surface and underground water resources at or near the proposed project site(s) and any impacts of the project to these. If groundwater will be used, is the aquifer in overdraft and /or adjudicated? If there will be discharges to surface water, is the receiving surface water body listed on the U.S. Environmental Protection Agency's (EPA) Section 303(d) list of impaired waters? Is a National Pollution Discharge Elimination System (NPDES) permit required for any discharges to surface waters? Indicate if the proposed project is located within an area mapped by the EPA as sole source aquifer recharge area (maps and further information are available on EPA's website). Describe any induced changes in local surface water runoff patterns, and the status of storm water discharge permit processes (if applicable).

11. Water Supply and Distribution System

Indicate the source, quality, and supply capacity of local domestic and industrial/commercial water resources, and the amount of water that project facilities and primary beneficiaries are expected to utilize. Note whether the water that is being supplied is in compliance with the Safe Drinking Water Act, and if not, what steps are being taken to ensure compliance.

12. Wastewater Collection and Treatment Facilities

Describe the wastewater treatment facilities available for processing the additional effluent including usage by the beneficiary(s). Indicate design capacities and current loading (both daily average and peak), and adequacy in terms of degree and type of treatment required. Describe all domestic class or process wastewater or other discharges associated with the proposed project facilities and its primary beneficiaries, and the expected composition and quantities to be discharged either to a municipal system or to the local environment. Indicate all discharges that will require on-site pre-treatment. Note whether the wastewater treatment plant is in violation of the Clean Water Act, and if so, what steps are being taken to ensure compliance. If local treatment and sewer systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates.

13. Environmental Justice (Executive Order 12898)

Describe whether the proposed project will result in disproportionate adverse human health or environmental impacts relative to minority and low income populations. Sufficient detail should

be provided to enable EDA to determine whether the project will comply with Executive Order 12898.

14. Transportation (Streets, Traffic and Parking)

Briefly describe the local street/road system serving the project site(s) and describe any new traffic patterns that may arise because of the proposed project. Indicate if land use in the vicinity, such as residential, hospital, school, or recreational, would be affected by these new traffic patterns. Indicate if any existing capacities of these transportation facilities would be exceeded as a direct or indirect result of this project implementation, particularly in terms of car and truck traffic, and what the new Level of Service designation would be.

15. Air Quality

Indicate types and quantities of air emissions (including odors) to be produced by the proposed project facilities **and its primary beneficiaries**, and any measures proposed to mitigate adverse impacts. Indicate the impact that the project would have on greenhouse gas emissions. Is the proposed project site within an area classified as a “non-attainment” for any criteria pollutants? If so, what are those pollutants? Indicate any local topographical or meteorological conditions that hinder the dispersal of air emissions.

16. Noise

Would operation of project facilities or primary beneficiaries’ facilities increase local ambient noise levels? If yes, indicate the estimated levels of increase, and the areas and sensitive receptors (e.g., residences, wildlife) to be affected.

17. Permits

Identify any Federal, State, or local permits of an environmental nature needed for the project (e.g., USACE, US Environmental Protection Agency (EPA), Coastal Zone Management/Shoreline Management, Air Quality, State Environmental Policy Act, NPDES) and the status of any such permits. Attach copies of any such permits and all associated correspondence, including the permit applications.

18. Public Notification/Controversy

Provide evidence of the community’s awareness of the project, such as newspaper articles or public notification and/or public meetings, as applicable. If a formal public hearing has been held, attach a copy of the minutes. Fully describe any public controversy or objections which have been made concerning this proposed project and discuss steps taken to resolve such objections.

19. Cumulative Effects

Please list projects (public and private, whether or not directly related to the proposed project described above) that have occurred or will occur in the past, present, and reasonably foreseeable future in and around the project area that could result in significant cumulative impacts when considered in aggregate with the proposed EDA project. Cumulative impacts result from the incremental impacts of a proposed action when added to other past, present and reasonable foreseeable future actions (40 C.F.R. Section 1508.7). In other words, cumulative impacts can result from individually minor but collectively significant impacts. Based on the direct and indirect impacts identified in Sections C1-18, identify which resources, ecosystems, and human

communities are affected; and which effects on these resources are important from a cumulative effects perspective.

D. MITIGATION

Describe methods to be employed to reduce impacts to any and all adverse impacts identified in Section C. List all mitigation measures that would be implemented to minimize impacts to environmental resources from project implementation.

E. LIST OF ATTACHMENTS

The following checklist is a list of required and optional attachments to the Environmental Narrative as described in the sections above. The items listed in the optional section may be required by EDA at a later date to complete the project review and selection process, so it is recommended that you provide them now if they are currently available. While the documents listed below are the most frequently required for scoping determinations, EDA reserves the right to request additional items that are not listed below when necessary.

Applicants are not required to contact other governmental agencies for environmental or historical resources consultation until directed by EDA, though any interagency coordination letters that may be currently available should be provided. **EDA expects that all Applicants whose projects are selected for further evaluation will proceed with consultations in an expeditious manner. As such, Applicants should have the required information prepared for submission immediately upon notification of selection by EDA.** If you determine prior to application that your project may affect environmental or historical resources, you may contact the appropriate Regional Environmental Officer to determine if early interagency consultation is appropriate.

Please refer to the applicable Federal Funding Opportunity for unique requirements for each individual grant competition and a list of documents required for submittal with the application.

Checklist of Optional Environmental Documents that should be submitted with Application if available (will expedite review and selection process):

- SHPO/THPO and Tribal leader comments and copy of submittals (see Section B)
- Site photographs (see Section C1)
- Coastal Zone consistency determination (see C2)
- Wetland delineation and/or Jurisdictional Determination (see C3)
- Preliminary wetland info (see C3)
- U.S. Army Corps of Engineers comments, Section 404 Permit, Section 10 Permit, and/or Water Quality Certification (401 approval) (see C3)
- Biological Assessment and/or survey for federally protected species (see C5)
- Correspondence with US Fish and Wildlife Service and/or National Marine Fisheries Service (see C5)
- Natural Resources Conservation Service determination of Prime Farmland, Form AD-1006, if applicable (see C6)
- Phase I and II Environmental Site Assessment (see C8)
- Sole Source Aquifer review by US Environmental Protection Agency, if applicable (see C9)
- Other federal, state and local environmental permits (see C16)
- Copies of public notices, public hearing minutes, etc. (see C17)

Appendix A: Applicant Certification Clause

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:
 - a. Generation of hazardous substances or waste?
☐ Yes ☐ No
 - b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?
☐ Yes ☐ No
 - c. Storage of petroleum products?
☐ Yes ☐ No
 - d. Used/waste oil storage or reclamation units?
☐ Yes ☐ No
 - e. Research or testing laboratory?
☐ Yes ☐ No
 - f. Ordinance research, testing, production, use, or storage?
☐ Yes ☐ No
 - g. Chemical manufacturing or storage?
☐ Yes ☐ No
 - h. Weapons or ammunition training, use, or testing?
☐ Yes ☐ No
 - i. Iron works/foundry?
☐ Yes ☐ No
 - j. Railroad yard?
☐ Yes ☐ No
 - k. Industrial or manufacturing operation?
☐ Yes ☐ No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

Appendix A: Applicant Certification Clause

2. Do wells draw from an underlying aquifer to provide the local domestic water supply?
 _____ Yes _____ No
3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please list here and attach copies of these reports or results.
 _____ Yes _____ No
- 1)

- 2)

- 3)

- 4)

- 5)

4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.
 _____ Yes _____ No
5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EPA's National Response Center?
 _____ Yes _____ No
6. Is any material containing asbestos or lead paint located at the site? If yes, please attach information concerning State and federal regulatory compliance.
 _____ Yes _____ No
7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.
 _____ Yes _____ No
8. Are there underground or above ground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.
 _____ Yes _____ No
9. Has the site been tested for radon? If yes, please attach results.
 _____ Yes _____ No

Appendix A: Applicant Certification Clause

10. Have there been, or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.

☐ Yes ☐ No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon.

Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Applicant's Name

Name and Title of Applicant's Authorized Representative

Signature of Applicant's Authorized Representative

Date

a. What is required for a complete application?¹²

The following table provides a complete list of documents required for a complete application based on the type of EDA assistance: construction, design and engineering (without a construction component), non-construction, and RLF.¹³

Applications for **construction assistance** (including applications for design and engineering with construction activities) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs) per project.
3. **One Budget Narrative** per project that identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424C (“Total Project Costs”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented. *Please note: In lieu of a separate Budget Narrative, this information may be included in the Preliminary Engineering Report as required by section C of the ED-900C.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.
5. **One Form ED-900** (General Application for EDA Programs) per project.
 - In section B.2, explain whether and if so how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements, that offer wages at or above the prevailing rate and include local

¹² In the event of discrepancies between instructions provided in any of the forms and this ARPA EAA NOFO, the requirements for complete applications as stated in this ARPA EAA NOFO will control.

¹³ EDA may temporarily waive certain application requirements if the applicant demonstrates that it cannot meet a requirement in a timely fashion because of the impact of the disaster. Applicants are advised to reach out to their appropriate POC listed in section G for more information on this temporary waiver. See 13 C.F.R. § 302.2 (“When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as a result of a disaster, EDA may waive such conditions”).

hire provisions, and a description of the applicant's workforce plans and practices.

- In section B.6, explain how the proposed project would meet EDA's Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA's other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.
 - In section C.1, if applicable provide information demonstrating that the project is in or directly benefits a coal community.
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
 7. **One Form ED-900B** (Beneficiary Information Form) from each beneficiary of the proposed project, as applicable.
 8. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation, e.g., Preliminary Engineering Report.
 9. **One Form ED-900E** (Calculation of Estimated Relocation and Land Acquisition Expenses).
 10. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of the form).
 11. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: <https://eda.gov/files/programs/eda-programs/Environmental-Narrative-Template-and-Application-Certification-Clause.docx>.
 12. **One Applicant's Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.
 13. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

14. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant has retained a registered lobbyist in conjunction with the proposed project.

15. **Map of project site.**

Applications for **design and engineering assistance only** (without a construction component) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs).
3. **One Budget Narrative** that identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424C (“Totals”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM (see section D.2.d. below) each co-applicant has already completed the assurances for non-construction programs. In that case, each co-applicant must inform EDA that this was completed in SAM.
5. **One Form ED-900** (General Application for EDA Programs).
 - In section B.6, explain how the proposed project would meet EDA’s Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA’s other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.

C. Preliminary Engineering Report

To be considered for assistance, all construction and design applications must include a **Preliminary Engineering Report (PER)** that at a minimum provides the following information:

- C.1. Description of project components. Provide a general description of all project components involved in the project. Indicate whether the project involves the construction of new infrastructure or facilities or the renovation or replacement of existing ones. Describe each of the project components in terms of dimensions, quantities, capacities, square footage, etc.
- C.2. A statement verifying that the project components described in the engineering report are consistent with the EDA investment project description that is provided in Section B.2 of Form ED-900. Engineering reports that describe project components that are inconsistent with the EDA investment project description in Section B.2 of Form ED-900 will not be considered valid.
- C.3. Drawings showing the general layout and location of the existing site conditions and of the project components as well as location of any project beneficiary identified in Section B.9 of Form ED-900 that provide economic justification for the project, if any. Rough dimensions and quantities for major project components should be shown and labeled on the drawings. Drawings should clearly identify the project components that are being proposed. Applicants are encouraged to clarify such drawings, for example, through color coding, labeling, and other appropriate methods.
- C.4. A feasibility analysis for the constructability of the project. Include a review of the existing conditions and note particular features, alignments, and circumstances affecting construction of project components.
- C.5. The proposed method of construction. Indicate whether construction procurement will be done through competitive bid or other method. Indicate if any portion of the project is to be done by design/build, construction management at risk, the applicant's own forces, or a third-party construction manager. If an alternate construction procurement method (other than traditional design/bid/build with sealed competitive bid process) is proposed, a construction services procurement plan must be provided to EDA for approval in accordance with EDA's regulation at 13 C.F.R. § 305.6(a).
- C.6. The number of construction contracts anticipated. If multiple contracts are proposed, describe the project components included in each contract. If separate contracts are anticipated for demolition or site work, the budget information cost classification should reflect the estimated costs for these components. If project phasing is proposed, a project phasing request must be provided to EDA for approval per EDA's regulation at 13 C.F.R. § 305.9(a).
- C.7. A current detailed construction cost estimate for each of the project components. Show quantities, unit prices, and total costs and provide a basis for the determination of construction contingencies. The total of this estimate should match the construction line item of the SF-424C.
- C.8. Real property acquisition. If the budget includes costs for acquisition of real property, include a current fair market value appraisal completed by a certified appraiser for the property to be purchased.

- C.9. A list of all permits required for the proposed project and their current status. Identify all permits required; include the timeline to obtain the permits and discuss how the permitting relates to the overall project schedule. If the project crosses a railroad right-of-way or is within a railroad right-of-way, explain any permitting or approvals that may be required from the railroad or other authority and the timeframe for obtaining these permits or approvals.
- C.10. An overall estimated project schedule. This schedule should agree with the project schedule outlined in the ED-900. Include the number of months for each of the following:
- i. design period;
 - ii. period of time to obtain required permits;
 - iii. period of time to obtain any required easements or rights-of-way;
 - iv. solicitation of bids and awarding of contracts, and
 - v. construction period.
- C.11. Overall project budget breakdown. For each "cost classifications" line item that the applicant indicates will be included in the project budget on Form SF-424C, the applicant must provide a breakdown of the proposed project costs and tasks that is consistent with the detailed construction cost estimate for the project provided in the PER.

[Add Attachment](#)[Delete Attachment](#)[View Attachment](#)

D. Title Requirements

- D.1. Does the applicant currently hold title to all project facilities, underlying land, necessary easements, and rights-of-way required for the project?

☐ Yes (go to question D.2) ☐ No (explain below)

D.1.a. If No, does the applicant plan to obtain title?

☐ D.1.a.i. Yes

How and when will the applicant obtain title? (After answering, go to question D.2)

☐ D.1.a.ii. No

Please explain why not



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021

Estimate of Time Required: 10 minutes

BOCC Meeting

Agenda Item Type: Discussion/Possible Action

- **Title:** Consideration and possible approval of a Road Use Agreement between Storey County and Citadel Solar LLC addressing Citadel Solar's use of portions of Canyon Way and Waltham Way in Storey County, Nevada
- **Recommended motion:** I (commissioner), move to approve the Road Use Agreement with Citadel Solar LLC for its use of portions of Canyon Way and Waltham Way in Storey County, Nevada conditioned upon the provision of a security instrument in the amount of \$760,000.00 acceptable to the County and authorize the chairman to sign
- **Prepared by:** Keith Loomis

Department:

Contact Number: 775-847-0964

- **Staff Summary:** Citadel Solar, LLC intends to construct a utility grade solar power generating facility west of the TRI Center. The construction process is estimated to take 16 months to complete. During that time they will be extensively utilizing Canyon Way and Waltham Way to haul equipment supplies and personnel to the site of their construction project. It may well be that the roads utilized will require upgrades. Citadel Solar has proposed that so long as the County continues its historical maintenance and repair activities, that Citadel will maintain and repair and possibly upgrade Waltham and Canyon Way to mitigate Citadel's impact on the roadways at their expense. One of the larger impacts that is likely to occur will be the hauling of two transformers to the site, one using Waltham Way and one using Canyon Way. They will be hauled with the truck depicted in the attached exhibits. In order to secure the obligations of Citadel Solar, the agreement provides for Citadel Solar providing a security instrument in the amount of \$760,000.00.
- **Supporting Materials:** See attached
- **Fiscal Impact:**
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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

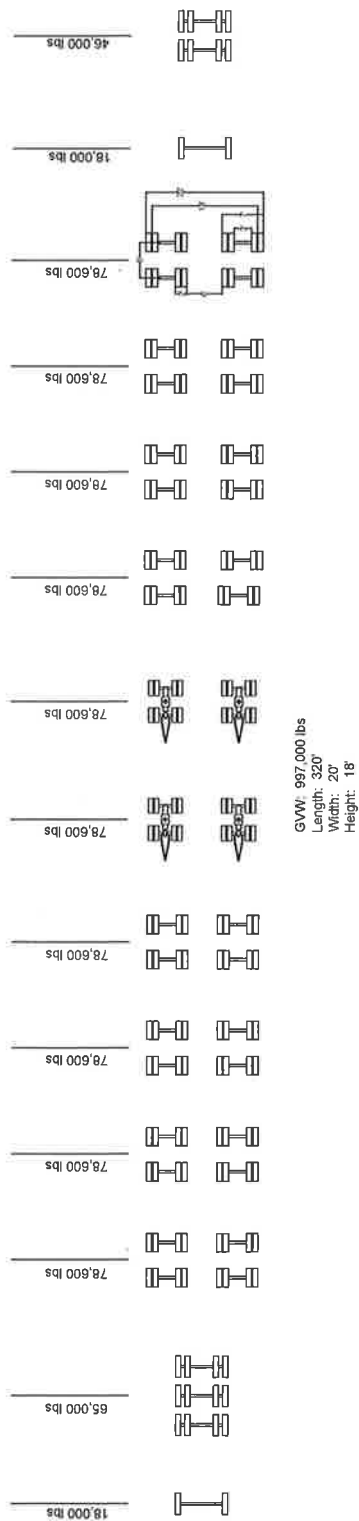
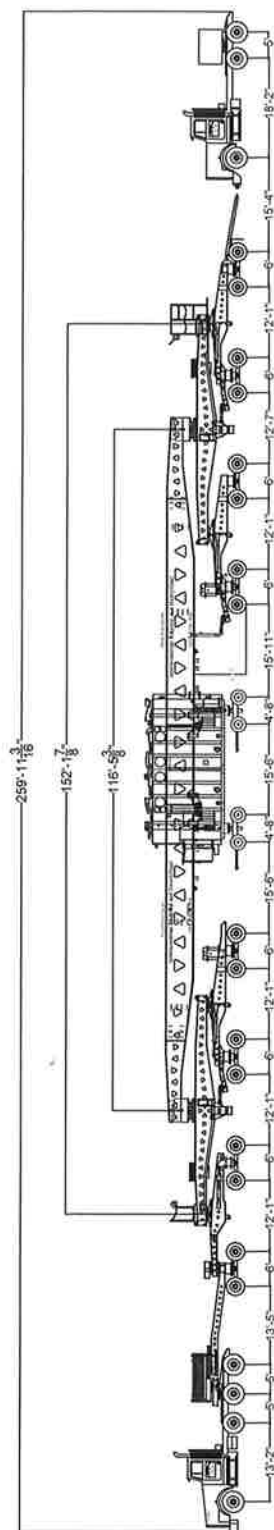
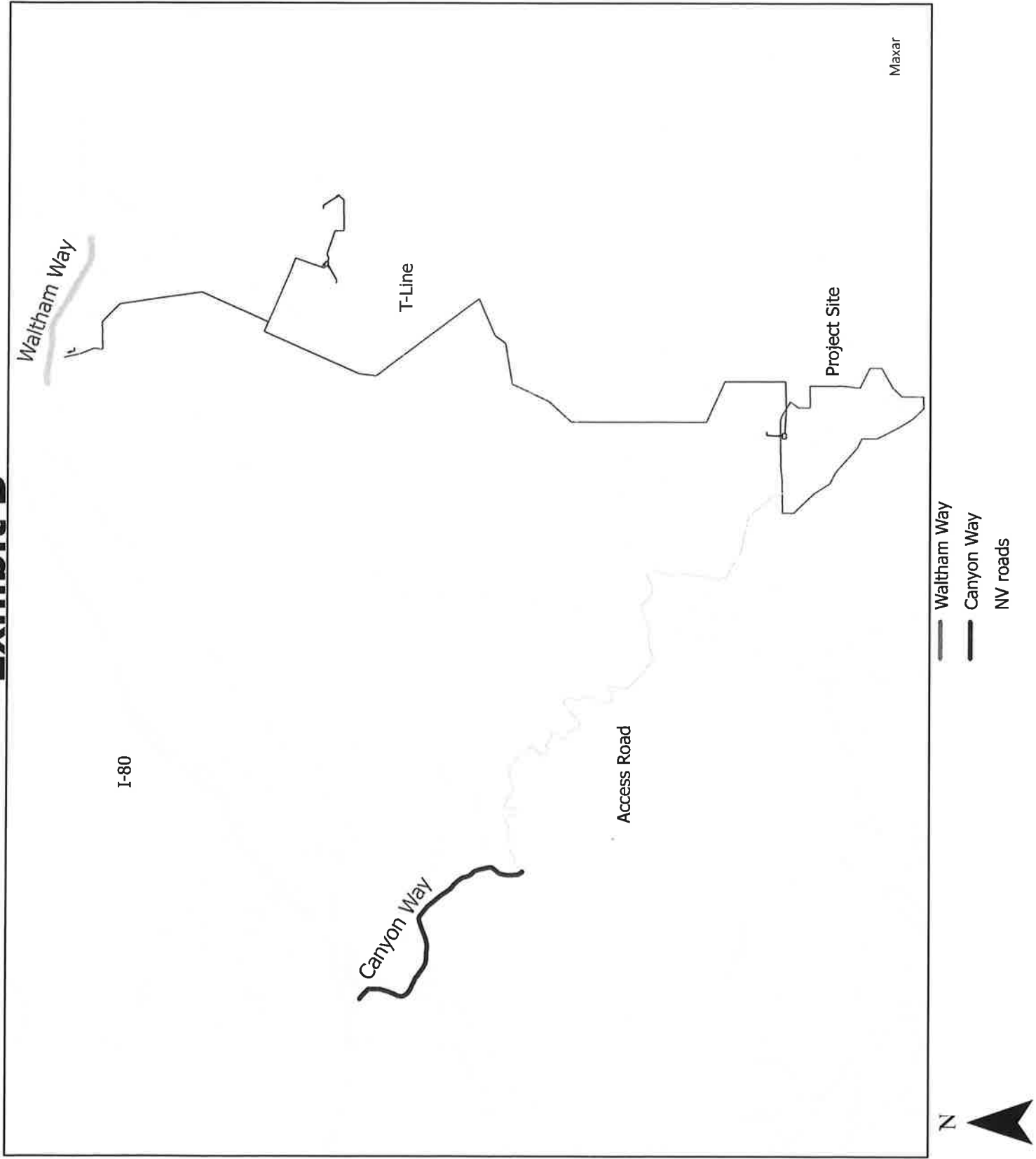


Exhibit B



**ROAD MAINTENANCE AND USE AGREEMENT
BETWEEN STOREY COUNTY AND CITADEL SOLAR, LLC,
ON PORTIONS OF CANYON WAY AND WALTHAM WAY**

THIS ROAD MAINTENANCE AND USE AGREEMENT (this "Agreement") is made effective the _____ day of _____, 2021 by and between the COUNTY OF STOREY, a political subdivision of the STATE OF NEVADA P.O. Box 176, Virginia City NV 89440 aosborne@storeycounty.org (hereinafter referred to as "County"), and CITADEL SOLAR, LLC c/o CD Arevon USA, Inc. Asset Management 8800 N. Gainey Center Dr., Suite 250 Scottsdale, AZ 85258 [insert email address] ("Citadel Solar"), a Delaware Limited Liability Company, authorized to conduct business within the State of Nevada, and its successors and assigns (hereinafter referred to as "Citadel Solar").

RECITALS

- A. WHEREAS, County owns roadways known as Waltham Way and Canyon Way (collectively, the "Subject Roads"), in Storey County, Nevada as depicted on Exhibit A which is incorporated herein by this reference.
- B. WHEREAS, Citadel Solar plans on constructing, owning and operating a utility scale solar power generating facility in Storey County (the "Facility"), such construction to occur over the course of approximately 16 months and will involve the use of Canyon Way and Waltham Way as means of ingress, egress and to haul material and supplies.
- C. WHEREAS, the construction, operation and maintenance of the Facility will require access to, egress from, and possibly upgrades to County roads, County owned rights-of-way, and County held right-of-way easements located in Storey County, Nevada.
- D. WHEREAS, the parties agree that it is in their mutual interests that Canyon Way and Waltham Way are periodically maintained as set forth herein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, including the mutual promises and covenants set forth herein, the parties agree to the following:

- 1. **Grant.** County hereby grants to Citadel Solar, its agents, employees, affiliates, contractors and subcontractors subject to the terms of this agreement a non-exclusive road right of way to enter upon and utilize the Subject Roads for the purpose of accessing, egressing, constructing, maintaining, servicing and operating its Facility until said Facility is decommissioned. Citadel Solar acknowledges and agrees that the terms of this Agreement only apply to the Subject Roads and that separate agreements with County are required for use of additional roads owned by County in conjunction with construction, operation and maintenance of the Facility.
- 2. **Maintenance/Administration.** County shall continue its current level of road maintenance activities on Canyon Way and Waltham Way throughout the Term, as set forth in Section 7, including, but not limited to, undertaking snow removal on Canyon Way and Waltham Way as historically performed and performing routine road maintenance on Canyon Way and Waltham Way as historically performed. Citadel Solar shall repair any damage to the Subject Roads caused by Citadel Solar or its contractors or suppliers during the course of constructing, repairing or

maintaining the Facilities and shall return the Subject Roads to substantially the condition such roads were in prior to such use by Citadel Solar or Citadel Solar's contractors or suppliers, including: (i) keeping the Subject Roads and the surface condition thereof in good repair and condition; (ii) filling all ruts, holes and other depressions caused by Citadel Solar's use of the Subject Roads to substantially the same condition as they were as of the Commencement Date; (iii) using commercially reasonable efforts to abate dust generated as a result of Citadel Solar's, its agents', employees' contractors' and subcontractors' use of the Subject Roads for the construction and operation of its Facility; (iv) repairing permanent structures on the Subject Roads, such as cattle guards, bridges, and culverts, to the extent damaged by Citadel Solar's construction activities; (v) maintaining and keeping ditches and back slopes free from obstructions caused by Citadel Solar's use of the Subject Roads; and (vi) Citadel shall provide and install traffic warning signs and flagging personnel on the Subject Roads during Citadel Solar's construction phase as reasonably necessary in accordance with a traffic control plan submitted by Citadel Solar and approved by the director of the Storey County Public Works Department, such approval not to be unreasonably withheld, conditioned or delayed.

3. **Commencement of Work.** After execution of this Agreement by the parties, but prior to commencement of construction of the Facility, as determined solely by Citadel Solar using reasonable discretion, Citadel Solar shall notify County of the date it intends to commence use of the Subject Roads to construct and operate its Facility(the "Commencement Date").
4. **Maintenance and Repair Standards.** Road Work performed by Citadel Solar under this Agreement shall be consistent with "Standard Specifications for Public Works Construction" 1992 edition or subsequent editions, known as the "Orange Book". If Citadel Solar plans to make any repairs outside of the Orange Book, Citadel Solar shall submit such specifications/revisions, to County for approval prior to their implementation, such approval not to be unreasonably withheld, conditioned, or delayed. Traffic control measures for Road Work performed by Citadel Solar under this Agreement shall be consistent with the current edition of the MUTCD (Manual of Uniform Traffic Control Devices)
5. **County Contributions.** County will promptly review all applications for permits, authorizations, licenses and easements and grant or conditionally grant such permits, authorizations, licenses and easements if the information in the applications reasonably warrants such approvals. In addition, if County has personnel available to do so and such use of County personnel is approved by County, it may supply personnel to assist Citadel Solar in the planning of Citadel Solar's activities if requested by Citadel Solar.
6. **Citadel Solar.** Citadel Solar shall provide all materials, personnel, and equipment as necessary to perform Citadel Solar's activities. Citadel Solar shall also obtain all permits required to conduct its activities from state and federal agencies, provided that County shall cooperate if the County's participation is necessary to obtain such permits.
7. **Mutual Inspection.** Prior to the Commencement Date, Citadel Solar and County will together conduct an on-site inspection to document and determine the condition of the Subject Roads. At the conclusion of this inspection, both parties will sign off on a summary of the overall condition of the Subject Roads. At the completion of Citadel Solar's original construction activities, Citadel Solar and County will schedule joint on-site meetings to inspect the Subject Roads to determine the extent and type of repairs, if any, that will be necessary to return the roads to as close as practical

to conditions that existed immediately prior to the Commencement Date (hereinafter referred to as "Prior Conditions"). It is understood that all repairs will be mutually agreed upon by Citadel Solar and County. If the parties are unable to agree on the conditions of the repair work necessary to return the road to Prior Conditions, the parties will submit the dispute to mediation. Such mediator to be reasonably selected by mutual agreement among the parties.

8. **Term of Agreement and Termination.** The repair obligations set forth in this Agreement shall remain in effect until the completion of Citadel Solar's original construction activities, which are projected to end on or before December 31, 2022, and may be renewed thereafter by mutual written consent of the parties. Citadel Solar may terminate this Agreement by giving written notice of such termination to the County. Such voluntary termination shall be effective on the ninetieth (90th) day following receipt of the notice by the County. Prior to termination, Citadel Solar shall be required to perform each and every one of its obligations under this Agreement above that have accrued to the effective date of termination.
9. **Conditions of Road Use.**
 - A. Citadel Solar shall not construct any structures or obstructions over or across the Subject Roads, without the prior consent of County.
 - B. The posted speed limit and any weight restrictions will be observed by all of Citadel Solar's personnel, contractors and subcontractors; provided that if Citadel Solar intends to transport heavy equipment and materials which may be in excess of local design limits of the Subject Roads, Citadel Solar will give advance notice to County.
 - C. Prior to the Commencement Date, Citadel Solar shall post a bond, parental guaranty, letter of credit or other financial instrument selected by Citadel Solar in the amount of \$760,000.00 in a form reasonably acceptable to the County to ensure the Subject Roads are repaired or replaced back to the condition they were in as of the date of the mutual inspection of the roadway set forth in Paragraph 7 above. The security instrument shall be released upon completion of Citadel Solar's repairs to the Subject Roads.
10. **County's Use of Road.** County reserves for the public and itself the right to fully use and enjoy the Subject Roads. County reserves the right to grant successive non-exclusive road rights of way or licenses on the Subject Roads or access to the Subject Roads on such terms and conditions as County deems necessary or advisable, provided that any grant by the County for use of the Subject Roads by any third-party developer ("Developer") shall require that such Developer or the County maintain or repair any damage to the Subject Roads at Developer's or County's cost, and Citadel Solar shall have no obligation to repair, maintain or contribute payment towards any damage caused by such Developer's use of the Subject Roads. County shall notify Citadel Solar if additional rights of way or licenses are granted to others for use of the Subject Roads for any other development or access to another development during the term of this Agreement.
11. **Indemnity.** Citadel Solar shall indemnify and hold harmless County, its officers, employees and agents from any cause of action or claims or demands arising out of Citadel Solar's performance under this agreement except to the extent such claims, or damages arise from the actions or inactions of County, its officers, employees or agents. This indemnification obligation shall survive the termination of this Agreement for two years following the completion of Citadel Solar's repairs to the Subject Roads.
12. **Damages Limitations.** Any damages award to either party under this Agreement shall be limited to only the actual damages incurred by such party and neither party shall be liable

for consequential, incidental, punitive, exemplary or indirect damages in tort or in contract, or under any legal theory and all such damages are hereby excluded and waived by the parties hereto with respect to this Agreement and/or the exercise of rights hereunder. The County will not waive and intends to assert available NRS Chapter 41 liability limitations in all cases.

13. **Insurance.** Citadel Solar, its contractors and subcontractors shall carry commercial general liability insurance in an amount not less than \$1,000,000.00 per occurrence.

14. **General Provisions.**

- A. **Binding Effect.** All of the covenants, conditions and terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.
- B. **Notices.** Unless otherwise provided in this Agreement, any notice or other correspondence required or permitted by this Agreement shall be deemed to have been properly given and delivered when made in writing and hand delivered to the party to whom directed, or when sent by certified mail with all necessary postage or charges fully prepaid, or when sent by electronic facsimile transmission, with written confirmation of delivery of transmission, or by national overnight courier service which provides tracking and acknowledgement of receipts or by email transmission, addressed to the party to be served at the address and addressed or delivered to the addresses set forth above.
- C. **Entire Agreement.** This Agreement, along with the Exhibit "A" attached hereto and made a part hereof, contains the entire agreement between the parties, and it shall supersede all prior discussions or negotiations between them. This Agreement may be modified only in writing signed by the parties.
- D. **Governing Law.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Nevada. Jurisdiction and venue shall be in the First Judicial District Court, Carson City, in and for the State of Nevada.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the ____ day of ____, 2021.

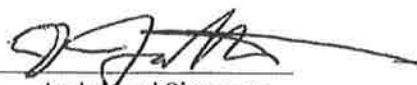
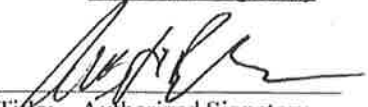
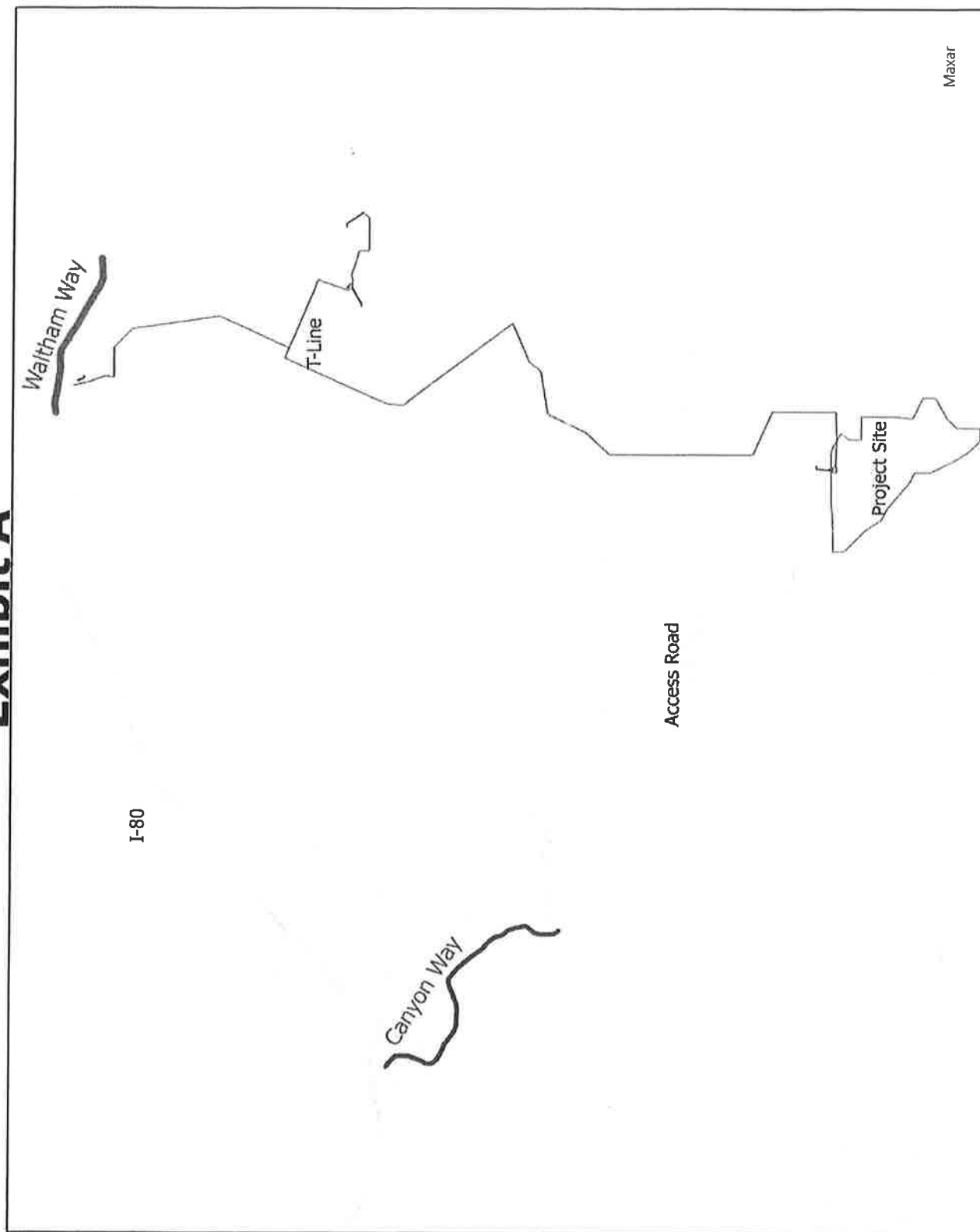
STOREY COUNTY	CITADEL SOLAR, LLC
By: _____ Jay Carmona, Chairperson Board of County Commissioners of Storey County	 Title: <u>Authorized Signatory</u>
Director of Public Works: _____ Jason Wierzbecki	 Title: <u>Authorized Signatory</u>

Exhibit A

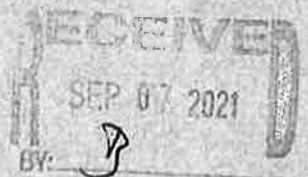


- Waltham Way
- Canyon Way
- NV roads

Maxar

JAKE MONTGOMERY
ARCION ENERGY
8800 N. GALEY CENTER DR.
SUITE 250
SCOTTSDALE, AZ 85258

Keith Loomis
Deputy District Attorney
Storey County District Attorney's Office
P.O. Box 496, 201 South C Street
Virginia City, NV 89440





Storey County Board of County Commissioners Agenda Action Report

Meeting date: 9/21/2021

Estimate of Time Required: 15 min.

BOCC Meeting

Agenda Item Type: Discussion/Possible Action

- **Title:** Discussion/Possible Action: Update, discussion, and provide direction to county staff and lobbyists regarding SCR 11 (formerly BDR 1109 and 1148) interim legislative committee to study Innovation Zone draft legislation, and other properly related matters.
- **Recommended motion:** I [county commissioner] motion to direct county staff, lobbyists, and professional services to consider appropriate research, analyses, and action on SCR 11 (Innovation Zone interim study) which will best protect and represent the county; to continue opposing separatist government concepts; and to promote economic and land development, including a PUD at Painted Rock, through existing legal framework and the 2016 Master Plan of Storey County.
- **Prepared by:** Austin Osborne

Department:

Contact Number: 7758470968

- **Staff Summary:** The board at each meeting directs county staff and lobbyists to take certain positions on bills of significance to Storey County. Storey County attended the first SCR 11 Legislative Interim Committee on August 12, 2021, to listen to the featured presentation by Blockchains and its affiliates. Storey County for this meeting was able to speak during public comment, at which point it submitted the attached letter and timeline of events from 1999-2021 that reinforce the county's consistent support for technology and certain residential development, and opposition to separatist governance. Staff and lobbyists are currently preparing for the next committee meeting where the county is expected to be given opportunity to present its position on the matter.
- **Supporting Materials:** See attached
- **Fiscal Impact:** none
- **Legal review required:** TRUE
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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



STOREY COUNTY COMMISSIONERS' OFFICE

Storey County Courthouse
26 South "B" Street
P.O. Box 176 Virginia City, Nevada 89440
Phone: 775 847.0968 - Fax: 775 847 0949
commissioners@storeycounty.org

Jay Carmona, Chair
Clay Mitchell, Vice-Chair
Lance Gilman, Commissioner

April 6, 2021

Honorable Governor Steve Sisolak
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Re: Storey County's Position on Innovation Zone bill draft as of 04/06/21

Governor Sisolak:

The Board of Storey County Commissioners on March 2 and 16, and April 6, 2021, directed county staff and lobbyists to take certain positions on BDR 1109-related draft legislation providing for the creation of Innovation Zones. Storey County opposes the Innovation Zone bill as presented thus far; however, the board finds merit in certain elements of the bill including expanding technology uses across the county and developing a mixed-use residential community at Painted Rock. The following summarize the board's directives and provides further explanation on the county's position on the matter.

1. ***Technology – Support and work with legislature and applicable elected officials to explore Blockchain, cryptocurrency, stable-coin, and other such technological advances and currency.***

Storey County is Nevada's forerunner in embracing and utilizing new technologies, and the board finds that new digital platforms such as stable-coin and Blockchain to be the potential digital capital of the future. We will seek guidance from the Nevada Department of Taxation; county recorders, clerks, and treasurers; and other such agencies and associations to evaluate the viability of these technologies and develop appropriate framework for their implementation.

2. ***Residential "Smart City" – Continue to support 2016 Storey County Master Plan as applicable to neo-traditional and new-urbanistic design as proposed by Blockchains' "Smart-City".***

The Storey County Master Plan supports large-scale residential development at Painted Rock. A mixed-use community integrating commercial, residential, and live-work use patterns is preferred over suburban sprawl. Graphic renditions by Blockchains, LLC and R&R Partners illustrating high-rise buildings clad in stainless-steel and glass, situated within clustered high-density nodes, and supported by multi-modal transit and "smart" infrastructure are aligned with the goals and objectives of the plan for this area.

Storey County to-date has received no development application from Blockchains or its affiliates for the Painted Rock area. We engaged with representatives of Blockchains about the draft bill and stated that an application for a mixed-use development may be submitted for consideration in accordance with Title 16 Subdivisions, Title 17 Zoning, the master plan, and other local and state statutes. The representatives were reminded that a master plan amendment is not required, and they were also reminded that a mixed-use residential development application by another developer at Painted Rock was approved by the board with action by the planning commission in 2006.

3. ***Separate Local Government – Oppose separatist governing control and carving up Storey County.***

Carving out a separate government within Storey County is not necessary for the advancement of technology, innovative industries, or residential "smart city" development. Storey County has for 20 years been Nevada's leader in attracting, permitting, and supporting technology, manufacturing, and energy sectors, and transforming northern Nevada from dependence on gaming to the diversified economic powerhouse it is today.

Tesla, Panasonic, Switch, Google, Fulcrum Bioenergy, and nearly 20 million square-feet of other companies made Storey County their home because of fast and simple permitting, easy access to

elected and appointed officials, and a dedicated team capable of finding innovative ways to overcome economic, social, environmental, and geographic obstacles. The proponents of the Innovation Zone envision a “sandbox” in which inventive minds are free to develop advanced technologies through expression and experimentation. We respond that this vision dovetails seamlessly into our current master plan, zoning allowances, development agreements, and proven business-friendly culture.

Storey County’s master plan, zoning designations, and ordinances facilitate a wide range of land uses. Diverse zoning encourages residential and community development, while also providing for revenue-generating commercial and industrial uses that offset costs of providing services to the county’s residents and businesses. The draft legislation stripping Storey County of roughly one-third of its land, much of which is commercial and industrial designated, will result in persistent fiscal instability potentially causing its inability to provide public safety protections, social services, and other core functions to current and future residents and businesses.

Storey County has been a proven leader in the state in economic development. Removing the county from the proven calculus it formulated may cause adverse economic, social, and environmental impacts to the county and region, and, moreover, may cause the same for the proposals identified the draft bill. We will continue exploring ways in which objectives for residential and tech development in the draft legislation may be achieved within existing local and state regulatory framework.

4. ***Planning & Development – Reach out to Governor, Blockchains, and others for meaningful and authentic good-faith discussion to coordinate planning and oversight within existing governing framework.***

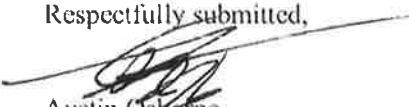
Conversations about the proposed legislation must consider state and local regulations, and binding agreements in-place in Storey County such as the Tahoe-Reno Industrial Center (TRI-Center) development agreement, TRI-Center infrastructure payback agreement, the TRI General Improvement District regulations and responsibilities, the inter-county effluent water line Tax Increment Area agreement, economic development and diversification districts for technology and manufacturing sector abatements, court decrees, utility and other easements and rights-of-ways, and government services agreements. These obstacles to Innovation Zone legislation have been shared with Blockchains representatives, and there remains unanswered questions as to how the proposed legislation will function properly within these frameworks.

5. ***Progress – Periodically update the Storey County Board of County Commissioners on the status of Innovative Zone BDR and bill, to and seek amended direction as conditions change and are known.***

We will periodically update the board on research findings into the Innovation Zone matters and seek direction as conditions change and more is known about the draft bill.

We respectfully request a meeting with you and your team to openly discuss the Innovation Zone bill. We look forward to being part of a conversation about the potential benefits in the draft bill, and ways to overcome challenging aspects of the proposed legislation within existing fiscal, economic, environmental, and land use regulatory structures.

Respectfully submitted,



Austin Osborne

Storey County Manager

Enc: Storey County Master Plan - <https://www.storeycounty.org/292/Master-Plan>

Cc.: Storey County Commissioners
Storey County District Attorney
Storey County Lobbyists
Governor’s Office of Economic Development (GOED)
Nevada Association of Counties (NACO)



**Storey County Board of County
Commissioners
Agenda Action Report**

Meeting date: 9/21/2021

Estimate of Time Required: 0 - 5

BOCC Meeting

Agenda Item Type: Consent Agenda

- **Title:** Consideration and possible action, Business License Second Readings -- Approval
- A. Engineered Products, A Pape' Company – Contractor / 9800 40th Ave. S. ~ Seattle, WA
- B. Nefab Packaging West, LLC – General / 1215 Alexandria Ct. ~ McCarran, NV
- C. Main Vein Coffee Company, LLC – Food Truck / 3025 Idlewild Dr. ~ Reno, NV
- D. Mountain West Heating and Air Conditioning – Contractor / 3025 Eastlake Blvd. ~ Washoe Valley, NV
- E. Papyrus Tax Inc. – General / 198 N. C St. ~ Virginia City, NV
- F. Rental Guys – Out of County / 1720 Nord Ave ~ Chico, CA
- G. Virginia's Mexican Restaurant – General / 65 N. C St. ~ Virginia City, NV

- **Recommended motion:** Approval

- **Prepared by:** Ashley Mead

Department:

Contact Number: 7758470966

- **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.
- **Supporting Materials:** See attached
- **Fiscal Impact:** None
- **Legal review required:** False
- **Reviewed by:**

____ Department Head

Department Name:

____ County Manager

Other Agency Review: _____

- **Board Action:**

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

Storey County Community Development

110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440



(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

September 13, 2021
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **September 21, 2021**

COMMISSIONERS Consent Agenda:

SECOND READINGS:

- A. Engineered Products, A Pape' Company** – Contractor / 9800 40th Ave. S. ~ Seattle, WA
- B. Nefab Packaging West, LLC** – General / 1215 Alexandria Ct. ~ McCarran, NV
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Ec: Community Development
Commissioner's Office

Planning Department
Comptroller's Office

Sheriff's Office