



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

3/1/2022 10:00 A.M.

800 S. C Street, Virginia City, Nevada

## AMENDED MEETING MINUTES

JAY CARMONA  
CHAIRMAN  
ATTORNEY

ANNE LANGER  
DISTRICT

CLAY MITCHELL  
VICE-CHAIRMAN

LANCE GILMAN  
COMMISSIONER  
TREASURER

DOREAYNE NEVIN  
CLERK-

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**Roll Call:** Chairman Jay Carmona, Vice-Chairman Clay Mitchell, Commissioner Lance Gilman, County Manager Austin Osborne, Clerk/Treasurer Doreayne Nevin, Deputy District Attorney Keith Loomis, Sheriff Antinoro, Recorder Marney Hansen-Martinez, Project Manager Mike Northan, District Attorney Anne Langer, Deputy District Attorney Keith Loomis, Communications Manager Becky Parsons, Public Works Director Jason Wierzbicki, Assessor Jana Seddon, Senior Planner Kathy Canfield, Emergency Management Director Lara Mather, Comptroller Jennifer McCain, Pete Renaud Community Development Director, Fire Chief Jeremy Loncar

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

Meeting was called to order by Chairman Carmona at 10:01 A.M.

### **2. PLEDGE OF ALLEGIANCE**

Commissioner Carmona led those present in the Pledge of Allegiance.

### **3. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the Agenda for March 1, 2022.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's Agenda as presented, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

### **4. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the Minutes for February 1, 2022.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Minutes for January 18, 2022, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

## **5. CONSENT AGENDA**

I. Approval of claims in the amount of \$1,517,271.65

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

- A. Atlas Copco Compressors LLC - Out of County / 6 Century Dr. Ste. 310 ~ Parsippany, NJ
- B. Atlas Mechanical, Inc. - Contractor / 8260 Camino Santa Fe Ste. B ~ San Diego, CA
- C. Coastal Steel Structures - Out of County / 631 Lucerne Ave. ~ Lake Worth, FL
- D. JLH Inc. - General / 2777 USA Parkway Ste. 107 ~ McCarran, NV
- E. Nice Cream Nitro LLC - Food Truck / 2301 Cordilla Ct. ~ Reno, NV
- F. Vertiv Corp - Out of County / 1050 Dearborn Dr. ~ Columbus, OH

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's Consent Agenda as presented, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**6. PUBLIC COMMENT (No Action)** None

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

**Sheriff Antinoro:**

- Acknowledged the passing of Highlands resident, Gene Glazier. Mr. Glazier was an original member/executive director of the Sheriff's CERT team.
- There's a continuing problem with the northbound "off-ramp" at Lousetown Rd. with vehicles coming up the wrong way. He suggested having discussions on maybe closing that off-ramp.

**Fire Chief Jeremy Loncar:**

- Wildland fires in the region are already being experienced. This is no longer "a season" but now seen year-round.
- Working through the budget, they have been having trouble acquiring multiple items. The air ambulance has been ordered. It will probably not be here until August - the funds will have to be carried over.
- They went over budget to get the VC rig in service (just last week). This shows the delay in getting parts and equipment.
- Due to an over-run in the budget, several items have been pushed out to next year.

**Mike Northan on behalf of Jason Weizrbicki, Public Works Director:**

- Currently working on which roads in Virginia City will be part of the 2022 rehabilitation project.
- A truck suffered heavy damage when the driver hit an unmarked trench plate in TRI. The driver was all right.

**Mike Northan, Project Manager:**

- Lockwood Tower Road is out to bid. Currently there are four plan holders. Project applications will close next week.
- Maintenance on the traffic signals on USA Parkway will begin soon. Lane closures will be coordinated with NHP, NDOT, and local law enforcement.

**Becky Parsons, Communications Director:**

- Working on updating policies and procedures and getting quality assurance programs going.

**Lara Mather, Emergency Management Director:**

- Covid cases continue to decline. Most recent report was 18 - before that 24 and 38.
- Next Covid vaccination date is March 29<sup>th</sup> from 3 to 4 PM at the Senior Center.
- Free Covid home tests were handled out at the Mark Twain Community Center on February 17<sup>th</sup>. The balance of our tests were given to School District employees and staff.
- All of the tests allocated to the County have been handed out. Additional tests can be obtained from [gethealthycarsoncity.org](http://gethealthycarsoncity.org)
- Along with Honey Tapley, she recently attended the Nevada Disaster Preparedness Conference. They learned a lot of new trends within Emergency Management, and were able to network with other Emergency Managers. Noted sessions included:
  1. Presentation on evacuation centers with regard to people with disabilities, giving them a good idea on how to better prepare for people with disabilities.
  2. The Director of Security Intelligence for Ceasar's Entertainment gave a presentation on how private businesses are preparing for their own disasters. She has agreed to give her presentation to our local emergency planning committee. This will be a great benefit for the members of this committee.

**Jennifer McCain, Comptroller:**

- Moving forward on the 2022/23 budget. This week they are doing department head reviews. The Comptroller's Office can be contacted with any questions.

**Pete Renaud, Community Development Director:**

- Going back to doing dashboards - most software has been updated, including permitting.
- 337 permits have been issued since May 2021. 23 single family residence permits also issued.
- A lot of new projects have started in TRI - with some very large spec buildings (warehouses) going in. There are preliminaries for at least 3 smaller buildings - ranging from 200,000 to 400,000 sq.ft. Also, a lot of companies are moving into existing buildings.

**Keith Loomis, Deputy District Attorney:**

- In the case of Mary Lou Wilson suing the County for issuance of a special use permit to Stericycle in the Industrial Park - Judge Russell dismissed her lawsuit for lack of standing. This was appealed to the Nevada Supreme Court who upheld Judge Russell's decision.

**Austin Osborne , County Manager :**

- The County is working with LP Insurance to market its property/casualty insurance. We are also in the market for workers' comp insurance. This will ultimately be brought back to the Board for consideration and determination.
- Lockwood residents: A Town Hall meeting will be held March 10<sup>th</sup>, 5:30 PM, at the Rainbow Bend Club House. Progress of the Tahoe/Pyramid bikeway will be discussed. What that community wants is what the County will support. Any other topic they would like will also be discussed.
- The Fire Chief talked about equipment being back-ordered, parts and supply issues - we have a couple of pick-ups that need to be replaced. It will be 6 to 8 months to get a general pick-up. We are on back-order. Trent has been doing a great job to come up with alternatives to fill the need for critical vehicles.
- Members of the Legislature were recently given a tour across the entire County - everything from American Flat, Virginia City, the water system and infrastructure, the Highlands (and the issues faced in that community), Lockwood - including the Senior Center (talking about the new Center to be built), the LCC and Rainbow Bend to see the needs of those communities. Then

out to TRI Center - everything from a short tour of Tesla, the effluent pipeline projects, and the best tour ever of fire equipment - including the quint truck - given by the Fire Department out there. The paybacks, the Tesla agreement, the Development Agreement, and how they all work, were talked about along with other matters. All the things and elements these folks need to know to effectively represent (the County) in the Legislature - in season and off - were discussed.

**Doreayne Nevin, Interim County Clerk:**

- Thank you to the Board for the appointment as Interim County Clerk.
- Candidate filing for 2022 Election is March 7 through the 18<sup>th</sup> - in the Clerk's Office, Monday thru Friday, 8 to 5.

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

**Vice Chairman Mitchell:** Thanks to the Sheriff for bringing up the off-road access issue. He just had a conversation with an owner affected by people cutting across his property - they talked about possible solutions. Talking with a Reno City Councilwoman - they are having issues with people cutting fences, leaving gates open - horses are getting down into South Meadows. If there was more delineated access for off-road vehicles, there may be less off that. Those fences are on private land - a lot of people probably assume it's public land. In conjunction with one of our lobbying firms, there may be a state agency that would be interested in helping delineate better paths/connectivity between Virginia City and Reno - this is a side project he's working on. This will be brought to the Board as that moves forward.

Thank you to Mr. Osborne for putting together the tour with the State Legislators and lobbyists. It's crucial that these efforts continue. Most of the legislators don't have any idea what's happening in our County. And it has substantial impact. If they don't understand what's happening, what's here on the ground has a potential to get lost in the shuffle or have things negatively impact the County. He is committed to being pro-active and to continue those outreach efforts.

**9. DISCUSSION/FOR POSSIBLE ACTION :** Discussion of proposed plan for the Carson River Mercury Superfund Site operable unit 2.

Kathy Canfield, Senior Planner, gave an update on the Superfund Site. It is broken into two operable units - Storey County is in operable unit 1; and the Carson River - everything downstream, is in operable unit 2. The EPA has sent out it's plan for operable unit 2. Storey County is involved because comments coming out of operable unit 2 reflect challenges Storey County had with operable unit 1 plan. Significantly, being able to apply to FEMA for disaster funding. There have been issues that we are trying to resolve. Carson Water Subconservancy District (CWSD) wrote a letter responding to this. Staff also wrote a letter supporting the comments made and that this is something that has to be figured out. NDEP wrote a letter, bringing up the same issues - identifying that as an area of concern and how to figure it out.

Ms. Canfield is happy to discuss what is in the (proposed plan) with the Board, or anyone else. Contact the Planning Office. Comments were due yesterday and now they are just waiting to see what EPA is going to do. CWSD has been very involved and have a lot of concerns with issues associated with this.

Public Comment: None

Vice Chairman Mitchell asked for a copy of the letter from CWSD.

Ms. Canfield said she is happy to provide (the letter) along with anything else.

Chairman Carmona asked to include all the Commissioners.

**10. DISCUSSION ONLY (NO ACTION):** Presentation and discussion regarding strategic plans for Storey County appointed departments which will be included in submissions for the 2022/23 budget.

County Manager Osborne introduced Linda Ritter who has been working with department heads in developing our Strategic Plan. This Board had given a mission and vision on where to go. This process started in 2019 - direction was given to staff and elected officials to work with Ms. Ritter on a strategic plan. Reminder to elected officials - ultimately we will get to their offices. Ms. Ritter said it seemed to be a better approach to start with "appointed" because certain policies and procedures are followed, and ultimately direction by her and by the Board. The elected offices have their own NRS, directions and processes they follow. Work will be done with them individually.

Ms. Ritter explained work on the Strategic Plan process just started when Covid hit making public outreach difficult. Instead, she began by working with appointed departments which are statutorily authorized. She worked not only with Department Heads, but also with staff - who often have insight to make things happen. The Strategic Plan for each department will be seen in this year's budget. Included are descriptions of what each department does as well as an overview of budget and staffing history. She also started working on "metrics" for some departments and reviewed examples using the Communications Department.

The last item of the process is developing strategy. Working with staff in their department's weaknesses and strengths. A list of tactics and initiatives was developed. These are things that may have budget impacts - sometimes they don't. Sometimes it's process and procedures that are being shared with the Board so (the Board) knows what kind of work they're doing to improve operations.

Note, these plans do not "sit on a shelf". These should be updated every year, quarterly reports should be given on how things are going, with the tactics, initiatives, and projects going forward.

This is the plan - it came from the departments and staff. Congratulations - you have a wonderful staff.

Public Comment: None

Vice Chairman Mitchell: Is there any sort of "hierarchy" to these metrics? Is there a way to determine which of these metrics are most crucial/have the most impact - to organize them when doing reviews to make it easier to tell what matters the most to the performance of the department?

Ms. Ritter: They can do that in the plans themselves. She and Mr. Osborne have talked about, in a quarterly report, bringing in the metrics that are very critical along with an explanation of what's really happening. Depending on what's happening, certain metrics are going to be very critical to look at. Emphasis will be seen on the quarterly report. On the budget document, they wanted to show metrics that give an "overall flavor" of what's happening with workload and overall results.

A lot of departments don't have metrics yet and have been told don't count for the sake of counting. Get metrics that have a purpose and mean something. Some departments may not have metrics. The budget should give a snapshot of what's happening.

Vice Chair Mitchell: Not wanting to get involved in the "day-to-day", anything that helps us - if there is something we need to pay attention to is "super" helpful and makes it more actionable.

Mr. Osborne: Not just the metrics have been helpful, but with the draft strategic plan - working with budget, Department heads are requesting staffing, equipment, other expenditures - this has been tremendously helpful with the budget giving departments some of the resources needed and know that it's not just being done without any review.

**11. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of Resolution No. 21-637, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County Officials for the 2021-2022 fiscal year and superseding prior year action by resolution for appointed Storey County employees with adjustments adding an Event and Business Development Manager (for Virginia City Tourism Commission) position.

Vice Chairman Mitchell corrected the Resolution number to read No.21-673.

Jeanne Greene, Interim Human Resources Manager, requested approval of revision to the VCTC pay resolution due to a minor re-organization and re-assignment of responsibilities. The result is a new class, Event and Business Development Manager, Grade 128. Approval of this Resolution is requested to be retroactive to February 14, 2022.

Chairman Carmona: Basically, somebody left and they put somebody else in to take that spot with additional duties.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve Resolution No. 21-673, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County Officials for the 2021-2022 fiscal year and superseding prior year action by resolution for appointed Storey County employees with adjustments adding an Event and Business Development Manager (for Virginia City Tourism Commission) position, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3

## **12. RECESS TO CONVENE AS THE STOREY COUNTY FIRE PROTECTION DISTRICT BOARD**

**13. DISCUSSION/POSSIBLE ACTION :** Consideration and possible approval of modifications to the Master Services Short Form Contract with NV Energy, identified as Exhibit D, to increase funds allocated to the Fire District in the amount of \$393,062.40 to hire 8 seasonal firefighters, purchase a crew cab pickup, and increase funding for other miscellaneous equipment.

Fire Chief Loncar explained in their agreement with NVEnergy, anything having to do with personnel or over \$100,000, would be brought back to the Board. The objective is to put seasonal staffing under NVEnergy funds - which helps the Fire District. When not actively fighting fires, they can be doing fuels projects and NVEnergy will pick up the bill. This also provides a vehicle and equipment for them to get started - radios, PPE, additional equipment. This is a PO increase bringing additional money to the District for a total of almost \$3.5 million in funding to be received from NVEnergy.

Public Comment: None

Vice Chairman Mitchell asked to be reminded of the duration of the Agreement with NVEnergy. Is it period to period?

Chief Loncar: It is. We are winding up year one of a three-year agreement. We are behind other districts or fire departments in the State. Others are currently being renewed now. He anticipates a renewal in about three years.

Vice Chair Mitchell: If things change on the NVEnergy side, how they approach these duties, what are we looking at on "un-winding" or reversing these changes?

Fire Chief Loncar: When entering this agreement, staffing was his largest concern. We want to keep these people - finding funding is the biggest problem. In this agreement, those are locked in. We want to make sure it is understood this is a grant-funded position. We are also very proactive in seeking other funding. We are working on two grants right now that - if needed we can extend that. The personnel side is locked in for the duration of this agreement - a positive. Second, as we buy equipment, they give us a check - which we work off. About \$4-500,000 in equipment has been purchased through NVEnergy that has been worked off, with about \$200,000 is left owing. He anticipates by year two of the three year-contract - all equipment will be paid off. Then it's just a matter of "riding the contract out" for our folks.

Chairman Carmona: Glad to hear the equipment is getting paid off quickly.

**Motion:** I, Fire Commissioner Mitchell, move to approve modifications to the Master Services Short Form Contract with NV Energy, identified as Exhibit D, to increase funds allocated to the Fire District in the amount of \$393,062.40 to hire 8 seasonal staff, purchase a vehicle, and acquire other associated miscellaneous equipment, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3

**14. DISCUSSION/POSSIBLE ACTION :** Consideration and possible approval for the District Fire Chief to pursue and report back to Board of Fire Commissioners, financing options to fund the purchase of two (2) type 3 Wildland Brush Engines in fiscal year 2022/2023.

Chief Loncar explained, as outlined in their capital improvement plan, there is a need to replace the 20-year old brush trucks. They have maintenance problems and are not reliable. He is looking at the Board and being transparent - let's look at funding options. One is a 3-year, medium term obligation - which we can financially support and would get the two now. Once the 3-year term is up, we can look at another two, replacing our fleet within 3 years. This keeps them with consistent models - easier for the crew to adapt to as they move from station to station. This starts the process - no documents are being signed - but exploring all options for a way to pursue this purchase.

Public Comment: None

Commissioner Gilman said he understands we are authorizing the Chief to pursue and report back to the Board his financing options. Keeping in mind fiscal responsibility as Commissioners - it's very important to watch the bottom line. We have a strong justification for adding equipment as we go. He understands the need for safety, visibility, and retiring old equipment. From a financial standpoint, encourages that we be frugal as we move forward.

Vice Chairman Mitchell asked Chief Loncar to outline the current plan so there is a clear picture of what the difference is if we were to go with this.

Chief Loncar: In the Capital Improvement Plan, we are looking to replace one of our "Type 3's", ease up on ambulance replacement program and inject our Type 3's. He is exploring getting two in one shot. It fits within their finances and Capital Improvement Plan - it's a good place to start. He wants to explore different options and bring them back. And collectively find the best way to pursue this purchase.

Vice Chairman Mitchell: To understand, as opposed to maybe replacing one every two years - we are looking at accelerating delivery of equipment but the funding would cover the same time frame.

Chief Loncar: That's correct. Small interest USDA loans have been used in the past. The District is familiar with these loans or other grant options. This one is something that is new versus trying to pay for one unit outright this year, if we can extend it with minimal financial increase, it would be a good way to get us into similar make and models - making it easier on the shop and staff.

Vice Chairman Mitchell: In general, is opposed to taking out debt obligations if it's possible to cash flow. He does see the potential benefit and has no problem exploring these options.

Chairman Carmona: There's no way to work these into the NVEnergy grants?

Chief Loncar: Not these units. These are the bigger units utilized in the County that can do a ton of work, but not in some of the most remote areas. NVEnergy needs Type 5 or 6 - more of a pick-up style to get out to the very remote areas along the pole lines.

**Motion:** I, Fire Commissioner Mitchell, move to approve the District Fire Chief to pursue financing options purchase two type 3 Wildland Brush Engines in fiscal year 2022/2023, and report the findings back to the Board of Fire Commissioners, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

## **15. ADJOURN TO CONVENE AS THE STOREY COUNTY WATER/SEWER BOARD**

**16. DISCUSSION/POSSIBLE ACTION :** Consideration and possible approval for the Storey County Water Department Board of Commissioners to approve the submittal of the Economic Development Administration, Economic Adjustment Assistance grant application for the Comstock Historic District Water System Improvement Project, requesting \$6,714,316.25 as the funding award amount, with an estimated match of \$1,342,863.25 required.

Honey Tapley explained last July the EDA opened-up an Economic Adjustment Assistance grant. This is a competitive grant with a 20% match. The focus is on job creation and retention, and resiliency for all regions impacted by covid. The project had to be listed on the Comprehensive Economic Development Strategy (CEDS) submitted annually to Western Nevada Development District. An engineering report and environmental assessment had to be done. Approval was obtained from the State of Nevada Grant Office.

This project is a water project and is part of system improvements that need to be done. Ms. Tapley explained the reasons for naming the project the Comstock Historic District Water System Improvement Project. The name of the project was chosen so as not to cause confusion regarding the location of the project which is specifically the Comstock.



The project will include: B Street and Union Street water main replacement; the Divide water main up-sizing; Silver City transmission main replacement; and the Taylor tank replacement. Environmental and engineering reports were completed by Farr West Engineering.

Ms. Tapley referred to a correction in the original documents stating construction would take about 12 months. That has been changed to reflect a completion date of May 2024. These are just estimates.

Lengthy narratives were prepared as part of the grant applications. Including the economic situation of the region, demographics, as well as job creation and retention. It had to be very specific as to how jobs were going to be kept on the Comstock. Letters were obtained from business owners and non-profits on the Comstock. They were very supportive, and their letters showed they could not function without water. Ms. Tapley is very appreciative of everyone who wrote a letter.

The original deadline for the (grant) application was March 31<sup>st</sup>. However, we were notified to get the application in quickly - it was submitted February 21<sup>st</sup>. The application has been approved for meeting the EDA's eligibility and competitive standards and has moved on to the next phase of the review process.

Applying for these grants is a huge benefit to (the County). This has shown us how better to proceed the next time. The fact that this got through - there's a good chance of moving on to the next phase. Awards are made as soon as they decide.

Public Comment: None

Commissioner Gilman: It's certainly an arduous task to get to the bottom line. Thank you for all you're doing.

Vice Chairman Mitchell: Echoes Commissioner Gilman. It seems the financial center of gravity has shifted towards the Federal Government. To access these funds, these are the hoops we have to jump through. He remembers Mike (Northan) saying they are potentially looking at re-ordering what streets are being prioritized for resurfacing. It would be nice if the timing could be aligned, if this does come through, so we are not re-paving a street we're about to tear up for a water project. Also, putting fibre in to "wire up" the town has been discussed. Maybe something like that could be done in conjunction with future water use. Something to think about. He knows a lot of time grants have restrictions on what can and cannot be done. Maybe something to consider.

Ms. Tapley said she has a map of the locations that can be passed on to the "road development" authority.

Mr. Osborne: At the time of the sewer project - he doesn't know about fibre - but water couldn't be put in the trench as it would have taken another grant to pay for the water, and separation of sewer and water was involved. This project was developed - as far as priority - on the level of need for water infrastructure on the Comstock. Where if there was a catastrophic failure there would be a catastrophic budget situation to the system. We can work to see if we can move roads around granting of this so we can put the CIP road on top of the granted sewer or water line.

Chairman Carmona: If we could plan our construction as Commissioner Mitchell said, that would be very "anti-government" of us to actually do something and not tear it up three months later. Thank you for your work - it's not an easy process. Hopefully, we will be successful in this project.

Ms. Tapley said the Comptroller is aware of all of this. She also had to write a letter before this was even talked about.

Vice Chairman Mitchell: When talking about the job retention element, was there discussion about potential future growth?

Ms. Tapley: Yes. One of her narratives described what is going on with the V&T Depot, the Fairgrounds - getting water to them. Also, what is hoped to happen with more residential builds which would need more water.

**Motion:** I, Commissioner Mitchell, move to approve the submittal of the Economic Development Administration, Economic Adjustment Assistance grant application for the Comstock Historic District Water System Improvement Project, requesting \$6,714,316.25 as the funding award amount, with an estimated match of \$1,342,863.25 required, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

## **17. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

**18. DISCUSSION/POSSIBLE ACTION:** Discussion and possible approval of Subdivision Settlement Participation Form which will have the effect of releasing AmerisourceBergen Drug Corporation, Cardinal Health and McKesson, all of whom are distributors of opioids (Distributors), of all claims against the Distributors arising out of the opioid epidemic in Storey County. By signing the Subdivision Settlement Participation Form, the County is joining in the Distributor Settlement Agreement and is entitled to the benefits and is subject to the burdens of that Agreement. The purported amount of the settlement will be \$231,000,000.00 to be paid over 18 years.

Deputy District Attorney Keith Loomis said he would discuss items 18 and 19 together. Item 19 is the same issue but with regard to the Janssen/Johnson & Johnson settlement. This is four defendants out of a total group of (many) defendants. The three distributors distributed the bulk of opioid medications in the nation. Janssen/Johnson & Johnson had a lesser impact. Mark Kruger, Chief Deputy Attorney General, is present - probably the lead government attorney in addressing the opioid litigation. Both Settlement Agreements reference a global settlement agreement. Enough participation has been made for the settlement agreement to move forward with the local settlement agreement. All local government entities with the exception of Storey County have signed off - including the State.

Mr. Kruger thanked the Board for getting the Participation Forms, and amendment, approved. The forms are necessary because there is a contingency in the Agreement that, if they get every signatory to the Agreement, the maximum of amount of dollars will be received. If not, it is reduced proportionately. It is important for the State to receive the maximum amount. He suggests that the County "partner up" with other counties for the services necessary. NACO will be reaching out to all counties to coordinate with the Department of Health and Human Services to figure out the best way to address the opioid epidemic.

Public Comment: None

Commissioner Gilman said he recalls we elected not to participate in this action because it would have very little resources headed our way if a settlement was reached. He remembers we were not able to identify any opioid impact in Storey County that we could actually address. What has changed now that we are looking at this and the State is looking for us to participate?

Mr. Loomis: That's accurate. Two years ago there was a proposal that (the County) join in litigation through private counsel, but the Board made a decision that it did not want to participate. In these settlement agreements we're identified as a non-litigating county. He thinks the idea of the State of Nevada was, whether we participated or not, we would benefit from the agreement. Though not as much as the litigating counties as there will be a 25% reduction in the amount the County gets that will go to the litigating counties. The money is supposed to be spent on opioid mitigation. As Mr. Kruger suggested, perhaps we could join with the quad-counties in addressing opioid mitigation throughout the four counties. He believes there is going to be a needs assessment done by each county.

Mr. Kruger: There's going to be a "needs assessment" by the State. The State can also assist the County to develop and provide a "needs assessment". This will identify particular programs that would be beneficial within the State. The "One Nevada Agreement" was an agreement the Attorney General's Office has sponsored and gotten all of the counties, whether litigating or non-litigating, to participate. The money is going to be coming anyway through these settlements - opioids don't care about county lines. It's better to get everyone's participation and have some money fall into every location. There are not only identified uses for abatement, but also guidance within recent legislation passed the last session.

Commissioner Gilman: By Storey County now joining and agreeing to move forward, it will increase the amount of award that is possible - correct? Does this expose the County to additional financial impact, by joining at this late time?

Mr. Kruger: For these two settlements, that's correct. If you don't join, the amount of the award for the entire state will be reduced. By joining, it insures the maximum amount. The County is not being exposed to any negative financial impacts - only a positive financial impact, in that you will receive an allocation under the One Nevada Agreement, which you have already approved.

Mr. Loomis: Because we're a non-litigating county does not mean we can choose to litigate - that would mean we're not releasing these entities from further liability. Signing off on the release agreement, we're saying "we're not going to be involved in this, we're not going to sue you". We won't be able to. That's one reason to get the maximum award to the State.

Mr. Loomis requested Items 18 and 19 be separate motions.

**Motion:** I, Commissioner Mitchell, move to approve the Subdivision Settlement Participation Agreement with the Release Agreement and/or the Settlement Agreement with AmerisourceBergen Drug Corporation, Cardinal Health and McKesson, and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**19. DISCUSSION/POSSIBLE ACTION :** Discussion and possible approval of Settlement Participation Form which will have the effect of releasing Janssen/Johnson& Johnson from all claims arising out of the opioid epidemic in Storey County. By signing the Settlement Participation Form, the County is joining in the Janssen Settlement Agreement and is entitled to the benefits and is subject to the burdens of that Agreement. The term of the agreement is for the payment of \$53,508,792.63, 95% of which would be paid in 2022 to the State of Nevada. The State will in turn distribute those funds in accordance with the One Nevada Agreement.

Mr. Loomis explained this is essentially the same settlement agreement but with a different entity. There is a slightly different impact as to the Global Settlement Agreement but will essentially be the

same. He has distributed calculations on how much the County will receive on this item as well as on the previous item.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Settlement Participation Agreement with Janssen/Johnson & Johnson and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**20. DISCUSSION/POSSIBLE ACTION:** Discussion and possible action to approve amendment to One Nevada Agreement by reducing the contingent fee from 25% to 15% for the attorneys representing the State of Nevada and certain cities and counties in Nevada.

Mr. Loomis explained that a requirement was made by the Judge in the multi-district litigation that the private attorneys could not get more than 15%. The One Nevada Agreement is being amended to reflect that change.

Mr. Kruger: That's correct.

Mr. Loomis: The amount allocated to the private attorneys representing the State is being reduced and the individual, local governments subdivisions from 25% to 15%.

Mr. Kruger: The litigating ones - that's correct. Based on a Judge's decision, that does not apply to the non-litigating or the State. This a procedural issue - they like to have everybody's signature to sign off, so that One Nevada Agreement has been amended. It does not affect Storey County or the State of Nevada.

Public Comment: None

Commissioner Gilman: There is no impact to the County, he is comfortable with this.

Vice Chairman Mitchell: Same here.

**Motion:** I, Commissioner Mitchell, move to approve the amendment to the One Nevada Agreement and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**21. DISCUSSION/POSSIBLE ACTION:** Consideration and possible action, Business License Second Readings:

- A. Atlas Copco Compressors LLC - Out of County / 6 Century Dr. Ste. 310 ~ Parsippany, NJ
- B. Atlas Mechanical, Inc. - Contractor / 8260 Camino Santa Fe Ste. B ~ San Diego, CA

C. Coastal Steel Structures - Out of County / 631 Lucerne Ave. ~ Lake Worth, FL  
D. JLH Inc. - General / 2777 USA Parkway Ste. 107 ~ McCarran, NV  
E. Nice Cream Nitro LLC - Food Truck / 2301 Cordilla Ct. ~ Reno, NV  
F. Vertiv Corp - Out of County / 1050 Dearborn Dr. ~ Columbus, OH

Public Comment: None

**Motion:** I move to approve the Business License second readings listed under Item 21 as A. through F., **Action:** Approve, **Moved by:** Vice Chairman Mitchell, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**22. PUBLIC COMMENT (No Action)** None

**23. ADJOURNMENT of all active and recessed Boards on the Agenda**

Chairman Carmona adjourned the meeting at 11:34 PM

**24. CLOSED SESSION:** Call to Order Closed Session meeting pursuant to NRS 288.220 for the purpose of conferring with with district and county management and legal counsel regarding labor negotiations with the Storey County Firefighters Association IAFF Local 4227. This meeting will commence immediately following the meeting of the Board of Storey County Commissioners.

Respectfully submitted,

By: \_\_\_\_\_  
Doreayne Nevin, Clerk/Treasurer