



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

8/15/2023 10:00 AM
26 SOUTH B STREET, VIRGINIA CITY, NV

MEETING MINUTES

JAY CARMONA
CHAIRMAN

CLAY MITCHELL
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

ANNE LANGER
DISTRICT ATTORNEY

JIM HINDLE
CLERK & TREASURER

Roll Call: Commission Chairman Jay Carmona, Commission Vice-Chair Clay Mitchell, Commissioner Lance Gilman, Clerk & Treasurer Jim Hindle, County Manager Austin Osborne, Deputy District Attorney Keith Loomis

√ Assessor Jana Seddon
□ Justice of the Peace Eileen Herrington
√ Recorder Dru McPherson
√ Sheriff Mike Cullen
√ Comptroller Jennifer McCain
√ Business Development Manager Lara Mather
√ Community Development Director Pete Renaud
√ Community Relations Director Honey Coughlin
√ Emergency Management Director Adam Wilson

√ Fire Chief Jeremy Loncar
√ Human Resources Director Brandie Lopez
√ IT Director James Deane
√ Planning Manager Kathy Canfield
√ Public Works Director Jason Wierzbicki
□ Operations and Project Manager Mike Northan
√ Senior Center Director Stacy York
√ Tourism Director Todd Tuttle
□ Other:

Total Attendance: 56

In-Person: 26

Zoom: 30

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

Chairman Jay Carmona began the meeting at 10:02 a.m.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT: (No Action)

4. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the Agenda for the August 15, 2023, meeting.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve today's Agenda for as presented.

Seconded by: Lance Gilman. **Vote:** Motion passed unanimously.

5. CONSENT AGENDA FOR POSSIBLE ACTION:

I For Possible action, approval of business license first readings:

A. Keeley Construction Group Inc. – Contractor / 500 S. Ewing Ave Ste. G ~ St Louis, MO

B. Redwood Materials EPC, LLC – Contractor / 1201 Battery Blvd ~ McCarran, NV

C. TNT Auction – General / 601 Britain Dr. ~ McCarran, NV

D. Troomi Wireless Inc. – Out of County / 151 Southhall Lane Ste. 450 ~ Maitland, FL

II Personal Exemption corrections for renewals turned in after 7/1/23 and corrections to exemptions.

III Approval of claims in the amount of \$2,452,373.84.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve today's Consent agenda as presented.

Seconded by: Lance Gilman. **Vote:** Motion passed unanimously.

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

Sheriff Mike Cullen

- He thanked the community for the turnout of the Virginia City Sheriff's Night Out and the National Night Out in Lockwood.

Fire Chief Jeremy Loncar

- One engine is in Topaz and will be there two weeks and will switch out crews.
- On Sunday there was a structure fire in Virginia City. One person was rescued, and two rooms were damaged. The cause is under investigation.

•

Public Works Director Jason Wierzbicki

- Met with DOWL Engineering on drain issues, have \$160,000 which the Board has provided for flood study for Mark Twain. It will involve redesigning streets culverts and they will come back with the scope of work. The full project could cost \$2 million.
- We cleaned 12 culverts of debris and dug out drainage areas on Sutro Springs.
- We are starting on Lousetown Road and will move to Cartwright.

- Drainage ditches have been improved on Six Mile Canyon
- In Mid-September there will be a one-way closure on Six Mile to improve the shoulder and remove debris.
- We are on target with starting Electric Avenue work.
- In Mark Twain, we have improved drainage on every street, and slurry sealed several others.

Business Development Director Lara Mather

- Assisted the Sheriff's Office in obtaining donations for the Fill the Cop Car fundraiser - Nova Data Centers, a new business in TRIC, provided a significant \$5,000 donation.
- For 2024 federal appropriations, two of the submitted six projects have made it to the next step: the Gold Hill Collections System and McCararn Sheriff's Sub-Station made it on the bill and have good probability for being funded.
- .

Grants Manager Honey Coughlin

- The Community Grant Project is opening for application submissions. Each of the four areas, Virginia City/Gold Hill, the Highlands, Lockwood and Mark Twain, can apply for up to \$10,000. Each application must have a minimum of 3 residents working together on the proposed project. Applications due by 5pm on Sept. 29th. Contact Honey at 775-547-3183 or email hcoughlin@storeycounty.org for application information.
- For the fairgrounds project, a cultural review done by DOWL was submitted to the USDA for approval.
- For the Virginia City fire station, we are working to purchase the new property and doing architectural and environmental reports.

Emergency Management Director Adam Wilson

- Emergency Operation Plan is almost done.
- We have 4 of 6 projects for FEMA grants in the final stages of review. Praised the Public Works Department for their support and effort on this project work.

Tourism Director Todd Tuttle

- We are doing groundwork at the fairgrounds as we prepare for the motorcycle roundup and camel races.
- Piper's elevator is now working.
- August 17-18 have photographer taking photos around town.
- August 20, the NBC program *First Look* will be filming around VC and their activity will include the use of drones.
- The Comstock Art Walk is Aug. 19-20.
- August 25-26 is the motorcycle roundup.

- On August 26, the Dirty Cello Band performs at Piper's.
- Sept. 2-4 is Civil War Days and the Labor Day Parade.
- Sept. 8-10 is the camel races. Local passes for Friday are only \$10.

Assessor Jana Seddon

- The office is starting their reappraisal project – this year it will focus on the 10-acre parcels in the Highlands and lower Gold Hill

IT Director James Deane

- Took a lightning hit at the primary microwave link which is requiring replacement.
- We completed camera projects for the Sheriff's Office.
- We did a replacement for the C Street camera.
- The Senior Center has high speed internet now.

HR Director Brandie Lopez

- On Aug 1 we did an appreciation for employees including Jana Seddon for 20 years of service to the county.

Community Development Director Pete Renaud

- The industrial park is still building and growing. ISO Rating reviews will start tomorrow. Hired a new trainee to cover Commercial development and interviewing for someone to take over the nuisance program on Thursday.
- There is 15 million more square footage planned or under construction out in the TRIC.

Senior Center Director Stacy York

- A flu shot clinic will be held on Sept. 29 from 9-11 am. in Virginia City; and on Oct 17 4-6 p.m. in Mark Twain
- The Storey County Resource Fair at Piper's Opera House will be Oct.4 from noon to 6 p.m.

County Manager Austin Osborne

- There will be a workshop tomorrow at 5:30 p.m. at Piper's Opera House
- Will have contract for approval at the next meeting for Public Relations firm – The Abbie Agency.

Linda Ritter, Consultant

- I was hired to help Austin with administrative policies. We will work with staff and create policy and it will have administrative and legal reviews.

Clerk-Treasurer Jim Hindle

- The first installment for property taxes is due by next Monday, Aug 21 to avoid late penalties.
- We are developing a proposal with Tyler Tech for jury pool management. It will increase efficiency as we are now doing it by hand. We applied for a grant to cover 2/3 of the initial costs. We are working with Justice Court to use the same system. As judges express concern about safety for cases, some would be moved to Carson City, but would still have County juries and the system under consideration is that used very successfully by the court in Carson City.
- The implementation of a new voter registration and election management system as developed by the Secretary of State is ramping up. The goal is to have it in place for use by the primary next June.

District Attorney Anne Langer

- There are 25,000 people coming to TRIC, and we expect more trials based on the implications of the increased number of people working in the county. It went from 127 cases to 240 cases annually. In addition, there are more jury trials in justice court for domestic cases due to implications on firearm possession rights.

Planning Manager Kathy Canfield

- The next master plan meeting will be at the senior center in Virginia City next Thursday at 5:30 p.m.at the Senior.

7. BOARD COMMENT (No Action - No Public Comment)

None

8. DISCUSSION ONLY: Discussion, presentation, and consideration for possible approval of a three-year contract between Storey County and NEOGOV for a cloud based Human Resources Management Suite for recruitment and onboarding processes not to exceed \$43,855.20 over the term of the contract.

Acting Human Resources Director Brandie Lopez said the county is looking for better ways to recruit and this program will improve our application system. Wesley Taylor of NEOGOV will give the presentation.

Mr. Taylor said NEOGOV works with 7000 government agencies across the country. The program would help the county become an employer of choice, it will improve efficiency and retention, it will be included in advertising for government jobs, is a more efficient hiring process and has a streamlined and engaging onboarding system. He said it will expand the county's reach and find more qualified candidates and attract a younger workforce.

Commissioner Gilman said that he was not entirely comfortable that we need a new system because he likes the county's current in-house hiring process.

In response to a question by Commissioner Mitchell, Ms. Lopez said this process allows applicants to file their application online, rather than fill out the application and deliver it to the office. The new system would transfer information and she supported it. Commissioner Mitchell said the onboarding process is time-consuming and this program will minimize everything.

Commissioner Gilman said that based on Ms. Lopez's advocacy for the system, he will be inclined to support it.

Commissioner Carmona said the county has spent \$150,000 to digitize archives, and digitizing more was part of the process. HR has stayed in one place for years; the workload is getting heavier and anything we can do to lessen the load has my support.

County Manager Austin Osborne noted that this was discussed in 2011-2012, and now the senior center employees have become county employees and the sheriff's office is hiring more deputies.

Ms. Lopez said the \$43,855.20 was the full cost of the program.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the 3-year contract between Storey County and NEOGOV for a cloud-based Human Resources Management Suite for recruitment and onboarding processes totaling \$43855.20.

- 9. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval for county staff to apply for funding for the Phase 2 of the Comstock Historic Structures Survey project through the State Historic Preservation Office Historic Preservation Fund 2023 grant. County staff will be applying for \$50,000 in grant funding.

Grants Manager Honey Coughlin said this was done in 2021 and required a survey of the Comstock Historic District, which was completed through the grant. The resources refer to buildings. SHIPO will ensure historical accuracy and will assist the CHD officer as she grants certificates of appropriateness, and it will be good for emergency and disaster situations and will benefit outreach and preservation efforts.

Public Comment: None

Motion: I, Commissioner Mitchell, approve county staff to apply for \$50,000 for the Phase 2 of the Comstock Historic Structures Survey project through the State Historic Preservation Office Historic Preservation Fund 2023 grant. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

10. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of Resolution #23-701, 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 2023-24 fiscal year and superseding prior fiscal year (FY2022-23) action by resolution for the appointed Storey County employees with the Senior Services Director allocated to Grade 144, effective retro-active to January 1, 2023 and the Culinary Coordinator allocated to Grade 119, effective retro-active to July 1, 2023.

Ms. Lopez said that changes were needed because the Senior Services Director now has added responsibilities, and she did an internal alignment and came up with the grade change based on comparison with other counties. The cook is now at grade 119.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the Agenda for the June 20, 2023, meeting. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

11. DISCUSSION ONLY: Presentation by County staff of marketing materials provided by Lumos & Associates for the Lockwood Senior Center Rebuild Project.

Ms. Coughlin said there are designs and a PowerPoint presentation with drawings. It shows the planned increase in the parking area, outside dining, and new landscaping. It will have an early childhood education room and public lobby. There will be a public pick-up and drop-off area and ADA parking spaces. There will be spaces for the kitchen, a warming kitchen, library space, storage, public restrooms, and family restrooms. There will be activity spaces for seniors and children.

She said the cultural review and environmental review required by the federal grant have been submitted. The proposal must be posted in the newspaper and there will be a public comment period for finding of no significant impact on Aug. 18. She said they have received comments. It will then have to go to an RFQ, and the groundbreaking and grand opening are too far out to estimate.

Public Comment: None

12. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of a vision statement, mission statement, perspectives, and goals for inclusion into the Storey County Strategic Plan.

Consultant Linda Ritter said this will be done by December. She said they have already worked on the vision and mission statements, now they are working on goals.

Ms. Ritter said all the goals came from the first workshop, and that the fire district's goals will fit in with the county's. Fire Chief Jeremy Loncar said the fire district has a draft plan and he planned to work with Ms. Ritter and ensure all goals are recognized.

She listed the goals which were produced from workshops held in each region of the county. The information on the draft strategic plan, including the goals, is on Page 112 of the packet under Agendas: Board of Commissioners on the county web site.

Commissioner Mitchell asked for language that included encouraging entrepreneurship and strengthening ways to start a business in Storey County.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the vision statement, mission statement, perspectives and goals for inclusion in the Storey County Strategic Plan, with the noted additions or changes and authorize staff to craft wording on those new elements. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 13. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of a 2023-024 Variance request to allow for a reduced front yard setback to construct a primary residence. The applicant proposes a front yard setback of 20-feet from the Highland Road roadway, drainage and utility easement within the Virginia City Highlands subdivision as opposed to the required 30-foot front yard setback. The property is located at 21281 Highland Road, Virginia City Highlands, Storey County, Nevada, Assessor's Parcel Number (APN) 003-191-15.

Commissioner Carmona recused himself as this item concerns his neighbor.

Planning Manager Kathy Canfield said this is an application for variance for 1-acre and is vacant, a total of 1.72 acres, with easements on the north and south side of the parcel. Once the property owner selects the access, that is where the setbacks are measured from access easements, not from the line, but from the easement. The Zoning ordinance stipulates that setbacks be measured from the edge of the easement, but there is a hardship option in the county code that hardship needs to be identified. This does not change the zoning. Ms. Canfield said she walked the property with the applicant and could not locate corner markers. She said there were numerous comments from the Planning Commission and that the Planning Commission voted 4-1 against the request.

Planning Department findings are on page 116 of the packet located on the county's web site under Agendas; Board of Commissioners.

The property owner, Jim Miller, said the comments at the Planning Commission were incorrect. He said though there were no exact markers, the corners were marked but were

damaged by the snowplowing. He said he wants 10 feet of back yard. He owned the property for 45 years and it has been recently surveyed. He does not intend to build exactly on the setback line. He said he gave specifics as to the location of the corners. He said he didn't see why this is less than adding a garage or deck that stretches into the easement is more of a hardship than wanting a bit more backyard for his grandchildren to play.

Mr. Miller said he received one comment from the adjacent property owner and no written or verbal comments were made at the Planning Commission. Received one comment from adjacent property owner, no written comment or verbal comment at Plancom meeting. cannot address that as it was not in writing. He requested approval from the Commission.

Commissioner Gilman asked Ms. Canfield how long the request had been under consideration, and she said it was submitted on June 6 and was heard at the Planning Commission on August 6. This is an appeal to overturn the decision of the Planning Commission. Mr. Gilman said that there was no new topic today that was not at the Planning Commission. He said there was no new testimony that would change the decision,

Mr. Miller defined what was in the easement and where the road was. Mr. Mitchell didn't think the road veered into Mr. Miller's Property. Ms. Canfield said that section was used as a turn-around area is in the easement and is a 100x100 foot area.

Commissioner Mitchell said the area being referred to was not a travel lane, as where it flares is where the house is supposed to be. it is a stretch to call that the travel lane. is where it flares where the house is supposed to be. Staff are concerned that it is a travel area will push and there will be encroachments onto the easement once the site is developed. There is not much room there and would be ample room on his property. We are looking at this as a hardship.

Ms. Canfield said this was not county land, it was a POA easement, so to approve this is forcing mitigation onto someone else.

Commissioner Mitchell said the concern was about access to travel lanes and turnaround.

County Manager Austin Osborne said there would be a condition on the application that the POA would have to do something in order for the variance to occur, and the county can't require another entity to do something.

Deputy District Attorney Keith Loomis said these were all private easements and the county does not have a compelling interest in setting limits on private easements.

Commissioner Mitchell said the county's interest is maintaining the turn-around for snowplows, fire dept., ambulances, etc. Mr. Miller said nothing he is going to do will affect the turnaround.

Commissioner Gilman said the county had a professional Planning Commission and Department and he was not comfortable changing the Planning Commission decision.

Public Comment: None

Motion: In accordance with the recommendation by the Planning Commission and staff, the Findings of Fact under Section 3.B of this report and as detailed in Section 2.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I, Commissioner Gilman, move to deny the variance (File 2023-024) to allow for a reduced front yard setback to construct a primary residence. The applicant proposes a front yard setback of 20-feet from the Highland Road roadway, drainage and utility easement within the Virginia City Highlands subdivision as opposed to the required 30-foot front yard setback. The property is located at 21281 Highland Road, Virginia City Highlands, Storey County, Nevada, Assessor's Parcel Number (APN) 003- 191-15. **Seconded by:** Clay Mitchell. **Vote:** Motion passes 2-0.

Ms. Canfield read the findings. Commission Chairman Carmona rejoined the board.

14. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR LICENSING BOARD

15. DISCUSSION/FOR POSSIBLE ACTION: 2nd reading for On-Sale/Off-Sale Liquor License. Applicant is Ryan Albright-Lucky's Casino, 400 USA Pkwy, McCarran, NV 89434.

Assistant Sheriff Eric Kern said the applicant had completed all assigned tasks and the Sheriff's Office found no disqualifiers and we are good to go with him.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the 2nd reading for On-Sale/Off-Sale Liquor License. Applicant is Ryan Albright-Lucky's Casino, 400 USA Pkwy, McCarran, NV 89434. Seconded by: Lance Gilman. Vote: Motion passed unanimously.

16. DISCUSSION/FOR POSSIBLE ACTION: 2nd Reading for Off-Sale Liquor License. Applicant is David Clothier - Pilot Travel Center - 400 USA Pkwy, McCarran, NV 89434. DBA - One 9 Fuel Stop # 1359.

Assistant Sheriff Kern said this applicant has no disqualifiers and the Sheriff's Office has no problem with going forward.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve 2nd Reading for Off-Sale Liquor License. Applicant is David Clothier - Pilot Travel Center - 400 USA Pkwy, McCarran, NV 89434. DBA - One 9 Fuel Stop # 1359. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

17. DISCUSSION/FOR POSSIBLE ACTION: Pursuant to SCC 5.04.100, discussion and consideration of the temporary suspension of the business/liquor license of the Bonanza Saloon issued by the Storey County Sheriff on August 3, 2023, and potential action to institute proceedings for continued suspension, cancelation or revocation of the Bonanza Saloon business/liquor license pursuant to SCC 5.04.110.B.

District Attorney Anne Langer said Mr. Loomis will handle the presentation of the issue and that Mr. Brian Brown, as Deputy District Attorney, will provide counsel to the Board on the issue.

Deputy District Attorney Brown said that the business/liquor license for the Bonanza Saloon was suspended Aug. 3, and pursuant to the cited section of the County Code, along with the notice of suspension is the requirement to have the license holder appear before the Board to learn of the reasons for temporary suspension and provide any information the license holder may want to provide in defense/response.

Deputy District Attorney Keith Loomis said this began as the result of a temporary suspension that is unusual under ordinances that exist. Most are authorized by the actions of the board. The Sheriff can do temporary actions under our code, then have it reviewed by the board. The Sheriff has taken an action, and this is the review by the board to see if it was arbitrary and capricious. The evidence includes a report from Deputy Willett that involves allegations of noncompliance with employment laws, noncompliance with where liquor is obtained, and evidence that Business license fees have not been paid and real property taxes have not been paid. The board must decide if it wants to proceed to permanently suspend the licenses, and the accompanying documents prove the action is not arbitrary and capricious.

Commissioner Gilman revealed that he holds a liquor license in Storey County, though not in Virginia City.

In answer to a question by Commissioner Mitchell, Mr. Loomis said business and liquor licenses are separate but subject to the same rules.

Mr. Brown said the board was limited to what has been noticed on the Bonanza, but they can't take any action on the Delta, and if the board takes no action the temporary suspension will expire.

Elliott Glute, attorney for Bonanza Owner Vincent Malfitano, said what was presented is more or less due process. He said the investigation has no documentation, and that his client has made payment arrangements. He said Malfitano was not aware of any investigations. He said if there was evidence or any documentation, he would like to see it. Mr. Glute said the license should be reinstated until the final result of the investigation is presented. Mr. Malfitano would be happy to respond to the evidence, but there is nothing here that would constitute evidence.

Commissioner Gilman said he supported the decision of the Sheriff's Office.

Commissioner Mitchell said information should be put out so the commissioners can consider it.

Mr. Loomis said there is a report by Deputy Willett and a chain of emails that show the decision was not arbitrary or capricious.

In response to a question by Commissioner Mitchell, Mr. Brown said the sheriff had to act based on their investigation, and while there has been no official determination, they made their decision in that their belief that unlawful activity was done, or fraudulent activity had occurred. It is up to this board if the license is continued to be suspended. Mr. Brown gave the specific details of the rules on a timeline for a hearing.

Mr. Malfitano indicated that he was limited in how he can respond since legal counsel is engaged. He said he would pay the fees right after this hearing if the license was reinstated.

Commissioner Mitchell indicated that for the sake of the employees, the board could lift the revocation and suspension pending any hearings.

Mr. Loomis said the Sheriff's Office issued the suspension over the violation of many employment and labor laws, sales and tax issues. He said it was in the best interests of the county to continue the suspension. He said the report indicates Mr. Malfitano does not use required forms such as I9, W4 or W2, issues useless checks, pays no workman's compensation fees, he identifies workers as independent contractors. There is no use of their own tools, and they cannot come and go as they please, as independent contractors do. Mr. Loomis said Mr. Malfitano, despite being required to purchase alcohol from licensed wholesale dealers, had been obtaining it at Sam's Club and Costco and refilling the stamped bottles. He said there were also investigations by the Department of Taxation, the IRS and the state Labor Commission. Mr. Loomis said he didn't believe allowing Mr. Malfitano to resume operations was in the best interest of the public.

Mr. Malfitano said there was no OSHA or Labor Board instigations going on, and that he had an agreement with the Department of Taxation to make a payment plan. He said the Delta has been out of business for 5 years. He said his liquor distributors have refused to do business

with him, and what he has done has been lawful. He said he gave 128 receipts to the Labor Board. He alleged that Mr. Loomis came before the board and lied. He said the Community Development and Fire District had no problem with him. He alleged a deputy sheriff came into the bar and said there were too many people. The deputy said we have to lower occupancy; we have no record of a certificate of occupancy, or they can't find the certificate. He alleged the action was malicious and vindictive. He said Sheriff Cullen was carrying the baton to get rid of Malfitano. He said he was completely smeared since he has been here. He said he would love to talk to the gang of eight. He said Assistant Sheriff Kern didn't talk to all the employees. He said he was denied a gaming license 9 years ago and that has nothing to do with anything. He said he had two sheriff's investigations that indicated he was good, and he was wealthy. He blamed Commissioner Gilman and former Commissioner McBride for his troubles.

Commissioner Carmona told Mr. Malfitano to refrain from personal attacks.

Mr. Glute said the emails don't show anything except that Mr. Malfitano has to pay for his business licenses, but the 20 allegations must be substantiated.

Commissioner Gilman reiterated his support for the sheriff.

Commissioner Mitchell has no problem with the temporary suspension but said we need to move toward a formal hearing.

Mr. Loomis said the Delta is out of business for not paying their fees, and some employees were Delta employees, that just proves that Mr. Malfitano has not been conducting himself as he is supposed to.

Mr. Brown questioned the impact of a 2-1 vote on a four-person board. The Liquor Board is made up of four elected officials, and the sheriff has recused himself due to his investigation. If it is 2-1, it would not pass. There needs to be 3 votes.

The board took a recess to look up the legal issue of a vote.

Mr. Malfitano asked that he be allowed to pay the Delta fees, lift whatever suspension there is and he would participate in any investigation.

Public Comment: None

Motion: I, Commissioner Mitchell, move to institute proceedings to revoke the business and liquor license for the Bonanza Saloon, for good cause, pursuant to SCC 45.04.110, thereby maintaining the temporary suspension of the business license for the Bonanza Saloon, issued by the sheriff on Aug. 3, 2023. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

18. RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER BOARD

19. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of apparent low bid and award the B Street Water Main Replacement project in an amount not to exceed \$1,936,000 to F.W. Carson Co. in accordance with the enclosed letter of recommendation of award from the project engineer. The current budgeted amount for the project is \$1.69 million, and the apparent best lowest bid is \$1.936 million which brings this project approximately \$246,000 over budget. The Comptroller is confident that there will be available resources for this project. The budget for this project includes funding from ARPA (\$800,000) and PILT (\$100,000) totaling \$900,000.

Public Works Director Jason Wierzbicki said he was seeking approval for \$1.936 Million. What we are up against is material fees are changing on an hourly basis, so the overall budget is set to allow for the anticipated material cost increases.

Public Comment: None

Motion: I, Commissioner Mitchell, move to authorize the B Street Water Main Replacement Project to proceed for the sum of \$1.936 million dollars, which is the current engineer's estimate. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

20. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

21. DISCUSSION/FOR POSSIBLE ACTION: Discussion and possible consideration approving voluntary entry into a Corrective Action Plan for Storey County Regarding Indigent Defense Services in accordance with NRS 180.440-450, with approval of the Nevada State Public Defender's Office, transferring primary indigent defense services currently provided by the Nevada State Public Defender's Office to the Carson City Public Defender's Office by method of interlocal agreement between Storey County and Carson City.

County Manager Austin Osborne said for people who are indigent and need a public defender, the state's public defender's office provides counsel, but recently the office has been unable to provide serve the needs of the county, so we need to discuss what to do. Since Carson City has the same problem, they created their own public defender. Storey County could do that, but instead, Mr. Osborne suggested the county enter an interlocal agreement with Carson City. He said there were 3 actions the Board will be asked to take presented in the next couple of agenda items: approval of a notice to the Department of Indigent Defense Services that the County wants to amend our current Corrective Action Plan, approval of the specific amendment to our current plan, then the approval of an interlocal agreement.

District Attorney Langer supported going with the Carson City Public Defender's Office. She said currently there are only 120 indigent cases, but the county may have to go elsewhere if they have conflicts.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve voluntary entry into a Corrective Action Plan for Storey County Regarding Indigent Defense Services in accordance with NRS 180.440-450, with approval of the Nevada State Public Defender's Office, transferring primary indigent defense services currently provided by the Nevada State Public Defender's Office to the Carson City Public Defender's Office by method of interlocal agreement between Storey County and Carson City. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 22. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and consideration of approval of amendments to the 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, and demonstrating the transfer of primary indigent defense services currently provided by the Nevada State Public Defender's Office to the Carson City Public Defender's Office by method of interlocal agreement between Storey County and Carson City.

Mr. Osborne said this is the plan to incorporate this corrective action, ensuring there is adequate service to people needing representation. The cost element will not exceed the amount set by the state, which is \$96,000.

Public Comment: None

Motion: I, Commissioner Mitchell, move approve recommended amendments to the 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, and demonstrating the transfer of primary indigent defense services currently provided by the Nevada State Public Defender's Office to the Carson City Public Defender's Office by method of interlocal agreement between Storey County and Carson City. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 23. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and possible consideration approving an interlocal agreement between Storey County and Carson City enabling the Carson City Public Defender's Office to provide the primary indigent defense services to Storey County until June 30, 2025, and for an approximate first-year fee of \$196,649 and second-year fee of \$216,244, and additional professional services fees in the amount not to exceed \$50,000 without board approval.

Mr. Osborne said this is the point of request for interlocal agreement to provide public defender services. He said the initial cost is \$196,648.17 for 2023/2024 It is \$96,000 for this year and the remainder will be reimbursed back from the state to the county.

Comptroller Jennifer McCain said the cost will put the county over budget, and the reimbursement will come the following year. She said the county can handle the added expense.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve recommended amendments to the 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, and demonstrating the transfer of primary indigent defense services currently provided by the Nevada State Public Defender's Office to the Carson City Public Defender's Office by method of interlocal agreement between Storey County and Carson City. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

24. DISCUSSION/FOR POSSIBLE ACTION: Acceptance of \$10,000 donation for the Storey County Sheriff's Office Off Highway Vehicle Program from an anonymous Virginia City Highlands resident.

Sheriff Mike Cullen said a couple in the Highlands had approached one of the deputies and asked about making a donation. They donated \$10,000 and wanted to be involved in off-road program. The Sheriff's Office has received other donations and eventually will have a policy in place to better manage this process.

Commissioner Gilman asked how this was being accounted for.

Comptroller McCain has no policy in place, this is something the Sheriff's Office will provide, but between her office and the Treasury the donations can be tracked.

Public Comment: None

Motion: I, Commissioner Mitchell, move to accept the anonymous 10,000 donation for the OHV program by an anonymous VCH resident. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

25. DISCUSSION/FOR POSSIBLE ACTION: Approval of 2nd reading for General Business License and gaming license. Applicant is Ryan Albright-Lucky's Casino, 400 USA Pkwy, McCarran, NV 89434.

Public Comment: None

Motion: I, Commissioner Mitchell, move approve the Approval of 2nd reading for General Business License and gaming license. Applicant is Ryan Albright-Lucky's Casino, 400 USA Pkwy, McCarran, NV 89434. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

26. DISCUSSION/FOR POSSIBLE ACTION: Approval of 2nd reading of General Business License. Applicant is David Clothier - Pilot Travel Centers, 400 USA Pkwy, McCarran, NV. DBA - One 9 fuel Stop #1359.

Public Comment: None

Motion: I, Commissioner Mitchell, move to motion to approve the 2nd reading of General Business License. Applicant is David Clothier - Pilot Travel Centers, 400 USA Pkwy, McCarran, NV. DBA - One 9 fuel Stop #1359. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

27. DISCUSSION/FOR POSSIBLE ACTION: For consideration and possible approval of business license second readings:

- A. Apuna's Kitchen LLC – Food Truck / 20 Darilyn Ln. ~ Washoe Valley, NV
- B. Baldwin Studios – Home Business / 6 Rue De La Azure ~ Lockwood, NV
- C. Custom Aire Inc. – Contractor / 52 E. Glendale ~ Sparks, NV
- D. Mt. Davidson Panning LLC – General / 171 S. C St. ~ Virginia City, NV
- E. Sommercal Construction Inc. – Contractor / 3690 33rd Ave. ~ Sacramento, CA
- F. WSB Electric, Inc. – Contractor / 2222 E. Yeager Dr. Ste. 100 ~ Chandler, AZ

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the second readings of business licenses listed under Item 27 listed as A-F. Seconded by: Lance Gilman. Vote: Motion passed unanimously.

28. PUBLIC COMMENT (No Action)

- Honey Coughlin said she had phone number wrong for contacting her about Community Grants. The correct number is 775-546-3183.

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

Commission Chairman Carmona adjourned the meeting at 2:43 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Jim Hindle". The signature is written in a cursive style with a large, looping initial "J".

Jim Hindle
Clerk & Treasurer