LYON COUNTY BOARD OF COUNTY COMMISSIONERS
THURSDAY, FEBRUARY 02, 2023
9:00 AM
LYON COUNTY ADMINISTRATIVE COMPLEX
27 S. MAIN STREET
YERINGTON, NV 89447

Join Zoom Meeting:
https://us02web.zoom.us/j/83368686463?pwd=ZlVGaWFOT3pGUjJPWWV0VmZRQ0N5dz09
Meeting ID: 833 6868 6463 / Passcode: 896135

County Commission meetings are open to the public and members of the public may attend in person and the meetings are also virtual and the public may attend via Virtual Zoom.

Public Comment: Lyon County allows the following. If you are attending the virtual Zoom meeting, public comment may be provided by raising your hand. This can occur in several ways, including by dialing *9 from your phone to raise your hand and request to speak for public comment. Then to unmute yourself, dial *6.

Written public comments may also be mailed to the Lyon County Manager's Office at 27 S. Main Street, Yerington, Nevada 89447, but all public comments must be received prior to the date of the meeting if the comments are to be included in the supplemental materials. Any written public comment received the day of the Board meeting will be compiled and added as supplemental materials to the County's website and distributed to the Board of Commissioners within 24 hours after the meeting.

You can also provide public comment, or request supporting materials, for this meeting by sending us an email to countyclerks@lyon-county.org. Be sure to type, PUBLIC COMMENT or DOCUMENT REQUEST in the subject line.

AGENDA

(Action will be taken on all items unless otherwise noted)
(No action will be taken on any item until it is properly agendized).

To avoid meeting disruptions, please place cell phones and beepers in the silent mode or turn them off during the meeting.
The Board reserves the right to take items in a different order to accomplish business in the most efficient manner. Items may be combined for consideration and items may be pulled or removed from the agenda at anytime.

Restrictions on comments by the general public: Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

BOARD OF COMMISSIONERS CONVENING AS OTHER BOARDS - Members of the Board of County Commissioners also serve as the Liquor Board, Central Lyon Vector Control District Board, Mason Valley Mosquito Abatement District Board, Walker River Weed Control District Board, Willowcreek General Improvement District Board, the Silver Springs General Improvement District Board, and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda.

NOTE: THIS MEETING MAY BREAK BETWEEN 11:30 - 1:30 FOR LUNCH

1. Roll Call
2. Invocation given by Matt Christensen of The Church of Jesus Christ of Latter-day Saints
3. Pledge of Allegiance
4. Public Participation (no action will be taken on any item until it is properly agendized) - It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.
5. For Possible Action: Review and adoption of agenda
6. Time Certain
   6.a. Time Certain at 9:00 AM: For Possible Action: Swearing in of appointed County Commissioner.

7. Presentation of awards and/or recognition of accomplishments
8. Commissioners/County Manager reports
9. Elected Official’s reports
   9.a. For Report Only: Dayton Justice Court
        - DEC 2022 - CRIMINAL AND CIVIL STATISTICS
   9.b. For Report Only: Canal Township Justice Court
        - DECEMBER 2022 FJC STATISTICS REPORT
10. Appointed Official’s reports
11. **Advisory Board reports**

**CONSENT AGENDA (Action Will be Taken on All Items)** - *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.*

12. **Assessor's Corrections**

12.a. For Possible Action: Approval of changes on Assessor’s tax roll due to correction in assessments and review of tax roll changes.
- Secured Factual

13. **For Possible Action: Approve County Commission Minutes**

13.a. For Possible Action: Approve the January 09, 2023 minutes.
- January 9, 2023 Minutes

13.b. For Possible Action: Approve the January 19, 2023 minutes.
- January 19, 2023 Minutes

14. **Contracts**

14.a. For Possible Action: Approve Sciarani & Co. as the auditor for the County with the fiscal year costs for fiscal years 2023, 2024, and 2025 being $75,000, $77,500, and $80,000.
- Lyon Co Audit Fee Proposal 2023-2025

15. **Grants**

- CE GIA Geddes conference

16. **Other Consent Items**

16.a. For Possible Action: Approve a budget transfer from General Fund contingency in the amount of $63,066 to purchase replacement battery systems for three mountaintop communication sites.

16.b. For Possible Action: Approve a resolution of the Lyon County Board of Commissioners to designate signers on bank and investment accounts.
- Resolution for Bank Account Signers

16.c. For Possible Action: Review and accept claims and financial reports.
- Claims Report 1-1-23 to 1-15-23
- Cash Report 1-15-23

16.d. For Possible Action: Review and accept travel claims.
- Travel Report 1-1-23 to 1-15-23

**END OF CONSENT AGENDA**
17. PLANNING CONSENT ITEMS- (Action will be taken on all items)

17.a. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the RIVERPARK PHSE 3, UNITS 16 & 17A, subdivision, located in Dayton, NV.
   - Staff Report and Backup

17.b. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificate of Completion, for the TRADITIONS VILLAGE 1, PHASE 1, subdivision, located in Dayton, NV
   - Staff Report and Backup

**END OF PLANNING CONSENT ITEMS APPLICATIONS**

PUBLIC HEARING ON PLANNING ITEMS - (ACTION WILL BE TAKEN ON ALL ITEMS)

18. Planning

18.a. For Possible Action -To approve a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.
   - Staff Report
   - Backup Materials

**END OF PLANNING APPLICATIONS**

REGULAR AGENDA - (Action will be taken on all items unless otherwise noted)

19. Advisory Board

19.a. For Possible Action: Appoint up to one (1) member to the Mound House Advisory Board, with a term expiring December 31, 2024.
   - Jeff Trowbridge, Application

20. County Manager

20.a. For Presentation Only: Presentation and update from Northern Nevada Development Authority.

20.b. For Possible Action: Approve the Resolution for Lyon County's proposal to exchange real properly owned by Lyon County located at 158 Garnet Circle, Mound House, for real property owned by Central Lyon County Fire Protection District located at 56 Red Rock Road, Mound House, all for the purpose of establishing a community center in Mound House, and setting date for a public hearing on the proposed property exchange.
   - Intent to Exchange Property Mound House Community Center Resolution
   - NRS 277.050
   - Notice of Intent to Exchange Property

20.c. For Possible Action: Approve a novation agreement to migrate the master services agreement and task orders from Farr West Engineering to DOWL Engineering.
   - Farr West Novation Agreement
20.d. For Possible Action: Approve, deny or amend a Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-02.
   - Resolution 23-03 Terminating Declaration of Emergency

21. District Attorney

21.a. For Possible Action: Acknowledgement of findings of fact and conclusions of law regarding open meeting law complaint OAG FILE NO.: 13897-420. The opinion from the Attorney General's Office is attached to the supporting materials.
   - AG Findings of Fact and Conclusions of Law

22. Sheriff

22.a. For Possible Action: Approve a line item in the Lyon County Sheriff's Budget to accept and maintain donations to be utilized for the Junior Deputy Program.

23. Utilities

23.a. For Possible Action: Issue a Notice of Award to Aspen Developers Corporation for being the successful bidder on the 10-mile Hill Tank Project in Dayton, authorize a contract with an amount not to exceed $4,144,000, and authorize the Utilities Director to sign project-related documents. Project funding will come from the Dayton Water Fund. (David Bruketta).
   - Notice of Award
   - Agreement
   - Recommendation of Award

24. Agenda Requests - Administrative Policies and Procedures 1.05, A Commission Member or elected/appointed department head may request an item be considered on a future agenda either by making an oral request at a County Commission meeting or submitting the request in writing to the County Manager at least 30 days prior to the meeting for which the item is requested to be placed on the agenda.

25. Commissioner Comments

26. Closed Session pursuant to NRS 241.015(3)(b)(2) - To receive information from the District Attorney or counsel regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter, and pursuant to NRS 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly.

27. Public Participation (no action will be taken on any item until it is properly agendized) - It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.

28. Adjourn
This agenda has been posted in accordance with the open meeting law at the Lyon County Administrative Complex.

Lyon County recognizes the needs and civil rights of all persons regardless of age, race, color, religion, sex, handicap, family status, or national 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 alternate means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA’s TARGET Center at (202) 720-2600 (voice and T) 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 on-line at [http://www.ascr.usda.gov/complaint_filing_cust.html](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, DC 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov

T.D.D. services available through 463-2301 or 463-6620 or 911 (emergency services) 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'/Manager's office in writing at 27 S. Main Street, Yerington, NV 89447, or by calling (775) 463-6531 at least 24 hours in advance

Lyon County is an equal opportunity provider.

Agenda and Backup Material is Available at [www.lyon-county.org](http://www.lyon-county.org)
My name is Rita Heidkamp, I am the treasurer and a trained responder for 775 Offroad and Recovery and a resident of Smith Valley.

775 Offroad and Recovery, a Nevada 501(3) run entirely by volunteers, has been instrumental in promoting safe and responsible off-roading practices through education and community outreach. We also provide recovery services to those who find themselves stuck or stranded while off-roading or while following dangerous routes provided by mapping applications.

In the past week, 775 Offroad and Recovery has recovered 3 vehicles from National Forest Rd (NF) 463 including a 25’ box van attempting to deliver Amazon packages, a Cadillac SUV and a Subaru. The owners of the box van and Cadillac had to be rescued by Douglass County SAR after spending several nights in the below zero temps. The most recent recovery was woman, who is within months of becoming a doctor, on her way from Smith to Yerington for a medical rotation. She followed Google directions and attempted to reach Yerington via NF 463. She spent most of the day in below freezing temps stuck in the mud, with no cell service. Fortunately her husband was tracking her on his phone and became alarmed when she did not check in as having arrived in Yerington safely. We are told a Lyon County deputy attempted to reach her with no success and nearly got stuck himself. We successfully got the Subaru unstuck and back to pavement. We have heard of countless others who have been stuck and have either self-recovered or had friends and good Samaritans help them get unstuck. As things begin to thaw – conditions will continue to deteriorate and get much worse.

A good Samaritan from Smith Valley posted a sign warning of the dangers of following your GPS over NF 463 (Exhibit 1) and included more appropriate directions as provided by the Lyon County Sheriff. As the sign was attached to the NDOT barricade preventing folks from entering Wilson Canyon, NDOT removed the sign.

I have submitted a request to Google to remove NF 463 as a viable alternative around Wilson Canyon but until it is changed, I would like to request the Lyon County Commissioners place a sign at the entrance to NF 463 similar to the one as shown below in Exhibit 2 as seen by one of our volunteers in Wyoming that reads

Your GPS is Wrong! This Road is Closed. Turn Back Now!
By the authority of the Unita County Commissioners

Thank you for your consideration of this matter,

Rita Heidkamp, Concerned Smith Valley resident and 775 Offroad and Recovery trained responder
EXHIBIT 1 - Good Samaritan sign.
Taken down by NDOT as it was placed on the barricade at hwy 208 and Hudson

EXHIBIT 2 - Your GPS is Wrong! This Road is Closed. Turn Back Now
By the authority of the Unita County (WY) Commissioners. I request that Lyon County does something similar
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
6.a

Subject:
Time Certain at 9:00 AM: For Possible Action: Swearing in of appointed County Commissioner.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
9.a

Subject:
For Report Only: Dayton Justice Court

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  ●  - DEC 2022 - CRIMINAL AND CIVIL STATISTICS
### Criminal Case Dispositions

#### Non-Trial Dispositions

| Bail Forfeitures | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nolle Prosequi (before trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissed (before prelim.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guilty Pleas with Sentence (before prelim.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waiver of Preliminary hearing | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Preliminary Hearing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissed (during prelim.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guilty Pleas with Sentence (during prelim.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bindover | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissed (after diversion) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissed (before trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guilty Plea with Sentence (before trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transferred (before/during trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**TOTAL NON-TRIAL DISPOSITIONS**

| 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

### Trial Dispositions

#### Bench Trial

| Dismissed (during trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Acquittal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guilty Plea with Sentence (during trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Conviction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**TOTAL BENCH TRIAL DISPOSITIONS**

#### Jury Trials

| Dismissed (during trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Acquittal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guilty Plea with Sentence (during trial) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Conviction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**TOTAL JURY TRIAL DISPOSITIONS**

### Other Manner of Disposition

| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**GRAND TOTAL DISPOSITIONS**
### Criminal Case Dispositions

**Justice Court Case Types (cont'd) - Gross Misdemeanors (Dictionary p. 4-6)**

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<tr>
<th>Case Type</th>
<th>Crimes Against Persons</th>
<th>Domestic Violence</th>
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<th>Child Abuse and Neglect</th>
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**Trial Dispositions**

#### Bench Trial

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#### Other Manner of Disposition

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### Criminal Caseload

**District & Justice Court Case Types - Felonies (Dictionary p. 1-4)**

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*To be completed at a later date*
### District & Justice Court Case Types (cont'd) - Gross Misdemeanors (Dictionary p. 1-4)

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</table>
### Criminal Caseload

**Justice (cont'd)/Municipal Court Case Types - Misdemeanors**

(Dictionary p.4-6)

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<th>Domestic Violence</th>
<th>Elder Abuse</th>
<th>Protection</th>
<th>Order Violation</th>
<th>Crimes Against Property</th>
<th>Drugs</th>
<th>Weapons</th>
<th>Public Order</th>
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<tr>
<td>Placed on Inactive Status</td>
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</tbody>
</table>

Nevada AOC - Research and Statistics Unit

Report generated on: 1/9/2023
### Additional Criminal Caseload Statistics (p. 6)

- Remanded Cases: 0
- Aggressive Driving Charges: 0
- Graffiti Charges: 0
- Bench Trials: 0
- Jury Trials: 0

### Death Penalty (Rule 250) Statistics

- NOJ to Seek Death Penalty Filed: 0
- NOJ Withdrawn: 0
- Death Penalty Imposed: 0

### Additional Criminal Proceedings (Dictionary p. 7-9)

<table>
<thead>
<tr>
<th>Type of Proceedings</th>
<th>Count</th>
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<tr>
<td>Extraordinary Writs</td>
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<td>Search Warrants Requests</td>
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<td>Preliminary Hearings</td>
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<td>Post-Adjudication Case Activity</td>
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<td>Request for Modification of Sentence</td>
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<td>Revocation Hearing</td>
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<tr>
<td>Post ConvictionRelief</td>
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</table>

### Preliminary Hearing Continuances

- Court Need: 0
- Prosecution Request: 0
- Defendant Request (pro per): 0
- Defense Attorney Request: 0
- Other: 0
- Total Preliminary Hearing Continuances: 0

### Trial Continuances

- Court Need: 0
- Prosecution Request: 0
- Defendant Request (pro per): 0
- Defense Attorney Request: 0
- Other: 0
- Total Trial Continuances: 0

Prepared by: ANGELICA M.  
Approved by: 

Report generated on: 1/9/2023  
Form RS-301 Rev 06/2008
### Civil Caseload

(Dictionary p. 29-31)

<table>
<thead>
<tr>
<th>Real Property Case</th>
<th>Tort Case</th>
<th>Contract Case</th>
<th>Protection Orders</th>
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<td>Landlord/Tenant Case (Summary Eviction)</td>
<td>Unlawful Detainer (Writ of Restitution)</td>
<td>Other Real Property Case</td>
<td>Auto Negligence Case</td>
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<td>19</td>
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### 1. Begin Pending
- a. Active
- b. Inactive

### 2. New Filings
- 10

### 3. Reopened
- 0

### 4. Reactivated
- 3

### 5. Dispositions (Entry of Judgment)
- a. Original
- b. Reopened
- 9

### 6. Placed on Inactive Status
- 0

### 7. End Pending
- a. Active
- b. Inactive

### 8. Set for Review

### Additional Civil Caseload Statistics

(Dictionary, p.28-29)

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Report generated on: 1/1/2023
### Civil Statistics Reporting

**Dispensation Worksheet**

**Nevada Trial Courts**

**Court:** Dayton Justice Court  
**Court ID:** J031102  
**Date:** 12/1/2022 to 12/31/2022  
**Prepared by:**  
**Approved by:** [Signature]

### Justice/Municipal Court Case Types - Civil (Dictionary, p.25-27)

<table>
<thead>
<tr>
<th>Civil Manner of Disposition (Dictionary p. 33-35)</th>
<th>Real Property Case</th>
<th>Negligence Case</th>
<th>Tort Case</th>
<th>Contract Case</th>
<th>Protection Orders</th>
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#### Non-Trial Dispositions

- Other Manner of Disposition  
- Voluntary Dismissal  
- Involuntary Dismissal  
- Transferred (before trial)  
- Judgment on Arbitration  
- Stipulated Dismissal  
- Stipulated Judgment  
- Default Judgment  
- Motion to Dismiss by the Defendant(s)  
- Summary Judgment

**Total Non-Trial Dispositions:** 3

#### Non-Jury (bench) Trial Dispositions

- Disposed After Trial Start (bench trial)  
- Judgment Reached (bench trial)

**Total Bench (Non-Jury) Trial Dispositions:**

#### Jury Trial Dispositions

- Disposed After Trial Start (jury trial)  
- Verdict Reached

**Total Jury Trial Dispositions:**

#### Protection Orders Dispositions

- Denied without Hearing  
- Granted without Hearing  
- Denied with Hearing  
- Granted with Hearing

**Total Protection Order Dispositions:**

---

**Grand Total Dispositions:**

- 3

---

Nevada AOC - Research and Statistics Unit

Report generated on: 1/11/2023

Form RS-301 Rev 3.3
## Civil High Risk Orders Report

Court: DAYTON JUSTICE COURT    Court ID: J031102
For Dates Between: 12/1/2022 And 12/31/2022

<table>
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<td>Voluntary Dismissal: 0</td>
<td>Extended High Risk P/O Denied: 0</td>
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<td>Involuntary Dismissal: 0</td>
<td>Extended High Risk P/O Other: 0</td>
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<td>High Risk P/O Leo: 0</td>
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<td>Denied Without Hearing: 0</td>
<td>High Risk P/O Family: 0</td>
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<td>Granted With Hearing: 0</td>
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</table>
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
9.b

Subject:
For Report Only: Canal Township Justice Court

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- DECEMBER 2022 FJC STATISTICS REPORT
To: Lyon County Commissioners
   Andrew Haskin, Interim County Manager

From: Lori Matheus, Justice of the Peace

Date: January 12, 2023

Subject: December 2022 Statistics for Canal Township Justice Court


If you have any questions, please feel free to contact me.
Date: 12/30/2022 10:52

Clerk's Report to Auditor of Costs and Fees Collected

Approved by State Board of Accounts for LYON County - 2022

To Auditor of LYON County, NEVADA
Collecting for Period: 11/30/2022 thru 12/30/2022

<table>
<thead>
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<th>Year To Date Collections</th>
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<td><strong>15,139.50</strong></td>
<td><strong>91,622.22</strong></td>
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State of NEVADA LYON County, SS:

I SWOR THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF ALL COSTS AND FEES BELONGING TO THE ABOVE NAMED COUNTY COLLECTED BY ME FOR THE PERIOD SHOWN.

CLERK OF THE FERNLEY JUSTICE COURT - CANAL TOWNSHIP COURT
Clerk's Report to Auditor of Costs and Fees Collected

Approved by State Board of Accounts for LYON County - 2022

To Auditor of LYON County, NEVADA
Collecting for Period: 11/30/2022 thru 12/30/2022

<table>
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<tr>
<th>Account</th>
<th>Prior Collections</th>
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<th>Year To Date Collections</th>
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State of NEVADA LYON County, SS:

I SWEAR THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF ALL COSTS AND FEES BELONGING TO THE ABOVE NAMED COUNTY COLLECTED BY ME FOR THE PERIOD SHOWN.

CLERK OF THE FERNLEY JUSTICE COURT - CANAL TOWNSHIP COURT
Number of cases in which court costs, fees, and fines were assessed during the reporting period: 46

### Court Fines and Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Dollar Amount</th>
<th>Percent of Assessed</th>
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</thead>
<tbody>
<tr>
<td>Dollar amount assessed:</td>
<td>$6,975.00</td>
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<tr>
<td>Dollar amount collected:</td>
<td>$6,690.00</td>
<td>95.91%</td>
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<tr>
<td>Dollar amount waived/suspended:</td>
<td>$640.00</td>
<td>9.18%</td>
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<tr>
<td>Dollar amount of jail time served credit given:</td>
<td>$490.00</td>
<td>7.03%</td>
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<tr>
<td>Dollar amount of community service credit given:</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>Total of collections, waived and credited amounts:</td>
<td>$7,820.00</td>
<td>113.34%</td>
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### Dollars Collected and Percentage Collected

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<thead>
<tr>
<th>Days</th>
<th>Dollars Collected</th>
<th>Percentage Collected</th>
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</thead>
<tbody>
<tr>
<td>0-30 Days:</td>
<td>$6,060.00</td>
<td>90.58%</td>
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<tr>
<td>31-60 Days:</td>
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<tr>
<td>61-90 Days:</td>
<td>$30.00</td>
<td>0.45%</td>
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<tr>
<td>91-120 Days:</td>
<td>$0.00</td>
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<tr>
<td>Over 120 Days:</td>
<td>$325.00</td>
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<tr>
<td>Total:</td>
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Note: Aging calculated from date cost docket assessed to date of receipt/payment in this reporting period.
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<tr>
<th>Days Outstanding</th>
<th>Amount Owed</th>
<th>Amount Outstanding</th>
<th>Percentage Outstanding</th>
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<td>61-90 Days:</td>
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<td>91-120 Days:</td>
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<td>Over 120 Days:</td>
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<tr>
<td><strong>Total:</strong></td>
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<td><strong>$81,313.05</strong></td>
<td><strong>100.00%</strong></td>
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Note: The amounts above exclude restitution and bail holding. The percentage is calculated by amount outstanding divided by the grand total of amount outstanding.
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2022 Times include response to Silver Springs.
2023 Silver Springs is a stand alone patrol squad also responsible for the Stagecoach area.
Includes Moundhouse. 2022 times include Stagecoach. As of 01/03/2023 Stagecoach is part of the Silver Springs Patrol Zone.
Includes Smith Valley.
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
12.a

Subject:
For Possible Action: Approval of changes on Assessor’s tax roll due to correction in assessments and review of tax roll changes.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
For Possible Action: Approval of changes on Assessor’s tax roll due to correction in assessments and review of tax roll changes.

ATTACHMENTS
   • -Secured Factual
The Assessor's Office deems the following Secured Property accounts to be factual corrections:

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<tr>
<th>APN</th>
<th>Name/Owner</th>
<th>Reason for Correction</th>
<th>Tax Year</th>
<th>Tax Dist.</th>
<th>Tax Amount</th>
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<td>029-715-05</td>
<td>Hallert, Michael</td>
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<td>$382.54</td>
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<td>Correct 3% Cap</td>
<td>22/23</td>
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**TOTAL:** $1,585.23
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
13.a

Subject:
For Possible Action: Approve the January 09, 2023 minutes.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  • - January 9, 2023 Minutes
The Honorable Board of Lyon County Commissioners met this day, Monday, January 09, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447 for an EMERGENCY MEETING.

1. Roll Call

Present: Dave Hockaday

Via Zoom: Robert Jacobson, Wes Henderson and Scott Keller.

Staff: Interim County Manager Andrew Haskin and District Attorney Steve Rye.

2. Pledge of Allegiance

3. Public Participation

There was none.

4. For Possible Action: Review and adoption of agenda

Comm. Keller moved to adopt the agenda as written.


The motion passed 4-0.

5. County Manager

5.a. For Possible Action: Approve a resolution declaring an emergency for Lyon County due to winter weather and flooding.

Comm. Hockaday read the resolution into the record.

Interim County Manager Andrew Haskin reported that the national weather service expects rain for the next few days and with the snow we have had they are anticipating some flooding. They have already used some State resources. They have had the Nevada Division of Forestry out helping with sandbags in the Dayton Rancho’s area as they are already experiencing some flooding there. The County just wants to be prepared by issuing this emergency declaration. Washoe County, Reno and Storey County have already issued their emergency declarations.

Comm. Jacobson thanked Mike Workman for getting a notice out of possible trouble areas and Dustin Homan also. Comm. Jacobson had a resident ask him if there will be a backhoe or something by Old Dayton Valley Road just in case there is a log jam or something.

Andrew Haskin stated they are monitoring the river closely and will get resources there if needed. He also pointed out they do have an emergency operations center in Dayton. The phone number is 775-461-3757.

Comm. Henderson thanked staff for their hard work.

Comm. Hockaday thanked the emergency staff and Mike Workman for all their hard work.

Comm. Henderson made a motion to adopt resolution No. 2023-02 declaration of an emergency due to severe weather event and flooding in Lyon County.


The motion passed 4-0.

6. Commissioner Comments

Comm. Jacobson thanked staff for preparing shelters, sandbags, communicating and hard work.
He wished residents of Lyon County a safe atmospheric river event and hopes everyone makes it through this safely.

Comm. Henderson thanked the County staff for what they have done and in being proactive. He urged everyone to take precautions and if you don’t need to go out stay home and stay safe.

Comm. Hockaday also thanked staff and law enforcement and encouraged everyone to stay safe and drive safe.

7. Public Participation

Dr. Robin Titus, Public Health Officer, stated that she received calls from Dayton Residents about the power outages and questioned if there is some way to notify residents of emergency situations. She thanked the Commissioners for their forward thinking in keeping everyone safe.

Comm. Hockaday had to pause the meeting briefly due to individuals hacking into and disrupting the meeting.

Amanda Brinnand questioned if the emergency center was for all of Lyon County or just Dayton. Comm. Hockaday stated it is for all of Lyon County.

James Kinninger agreed that there needs to be a better form of communication. The power outage in Smith Valley not only interrupted their power, they also had no water because they are on wells. He stated many people, senior citizens, have pellet stoves and once they lose power they lose heat and if they were without power one more day people may have resorted to non-ventilated heating and that could result in asphyxiation and death. He suggested maybe some type of house to house notification in those types of situations. He emailed the Commissioners this morning and the Smith Valley Advisory Council. He hopes emergency funds will be used to create emergency power systems at the community hall or high school.

8. Adjourn

Comm. Hockaday adjourned the meeting at 09:28
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
13.b

Subject:
For Possible Action: Approve the January 19, 2023 minutes.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •  - January 19, 2023 Minutes
The Honorable Board of Lyon County Commissioners met this day, Thursday, January 19, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call


Via Zoom: Comm. Jacobson

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli, Emergency/Communications Manager Taylor Allison, and District Attorney Steve Rye.

2. Invocation given by Mitch Forster with Mason Valley Southern Baptist

Mitch Forster gave the invocation.

3. Pledge of Allegiance

4. Public Participation

There was none.

5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to adopt the agenda as written.

Comm. Keller seconded, and the motion passed 4-0.

6. Presentation of awards and/or recognition of accomplishments

6.a. For Presentation Only: Present Deputy Peter Whitten and Sergeant Alfonzo Lopez with the Lyon County Sheriff's Office Community Service Award for their efforts in raising approximately $11,000.00 dollars for the Shop With a Cop event.

Sheriff Pope recognized Deputy Whitten and Sergeant Lopez for raising enough money to triple the usual donations to the Shop With a Cop program.

7. Commissioners/County Manager reports

Comm. Henderson attended the Mound House Advisory Board and the Dayton Regional Advisory Board meetings. The NACO Public Lands Committee meeting reported that the Forest service is being sued by an organization stating that they need to have a clean water act permit before they can use fire retardant on wildfires. At the CAMPO meeting, they reported they are updating the traffic models.
Comm. Hockaday gave a report of his findings in Smith Valley and reported them to County employees. He appreciated the response of staff to concerned residents about the problems in Smith Valley.

County Manager Andrew Haskin advised the Board that he authorized $5090.84 for the Nevada Division of Forestry hand crew that helped with filling sandbags. He reported on the snow pack and that they will keep monitoring it. They have received three proposals for the solid waste franchise and this item will be scheduled for the first meeting in February. He will be speaking at the NNDA State of the Counties Breakfast next week to provide an update on the County. They are gearing up for the upcoming legislative session and he has received Bill drafts. The County has been maintaining on Mason Pass Road, but he’s encouraging people to go through Carson City. The other roads are not maintained by the County and are not alternate routes. County vehicles will not come tow people out when they get stuck. Don’t use Delphi Road.

Comm. Hockaday advised that from Smith Valley motorists need to travel from Artesia Road to Mason Pass.

8. Elected Official’s reports

Senator Robin Titus updated the public on the Wilson Canyon road closure, advising that she had met with Congressman Amode regarding obtaining Federal funding or having Federal permitting processes expedited. She also spoke with NDOT and a contract has been signed regarding having an assessment completed.

9. Appointed Official’s reports

Road Director Dustin Homan reported that most of the snow on Mason Pass Road has been cleared, is in the process of being bladed, and hopes that next week, they will be able to get it all graded. They have the sink-hole issue fixed near Wilson Canyon so residents can get in and out of their roads.

10. Advisory Board reports

Erin Lopez mentioned that on March 4th at 8:30 a.m., they are having the annual Open Meeting Law and Handbook Training and invited all entities with a committee or board to attend and to get in touch with her if interested.

CONSENT AGENDA

Comm. Henderson moved to approve the consent agenda items #11.a. – 14.e.

Comm. Keller seconded, and the motion passed 4-0.

11. Assessor's Corrections

11.a. For Possible Action: Approval of changes on Assessor’s tax roll due to correction in assessments and review of tax roll changes.
-Unsecured Factual
-Secured Factual

Secured Property corrections totaled $5035.18 and Unsecured Factual Corrections totaled $980.63.

12. For Possible Action: Approve County Commission Minutes  
12.a. For Possible Action: Approve January 3, 2023 Minutes

The January 3, 2023 Minutes were approved.

13. Grants  
13.a. For Possible Action: Accept grant award from the State of Nevada Department of Health and Human Services (DHHS), for the Community Services Block Grant (CSBG), in the amount of $127,357.

14. Other Consent Items  
14.a. For Possible Action: Review and accept claims and financial reports.  
- Claims Report 12-16-22 to 12-31-22  
- Cash Report 12-31-22  
- Lyon County Quarterly Financials 12-31-22

The cash balance as of December 31, 2022 was $126,714,948.74. County claims totaled $2,265,902.71, and payroll totaled $1,218,351.64.

14.b. For Possible Action: Review and accept travel claims.
- Travel Report 12-16-22 to 12-31-22

Travel claims totaled $2136.31 as of December 31, 2022.


14.d. For Possible Action: Approve a promotion for employee 951 from Appraiser to Senior Appraiser, effective March 23, 2023, with the estimated additional cost of $1,724 to be funded from a contingency budget transfer in fiscal year 2023.

14.e. For Possible Action: Approve a budget transfer from contingency in the Silver and Gold Fund in the amount of $40,500 as matching funds to a federal grant to purchase two Meals on Wheels vehicles.

**END OF CONSENT AGENDA**

15. County Manager
15.a. For Possible Action: Forward a recommendation of up to three (3) candidates to Governor Lombardo from which the Governor may choose to make the final appointment to fill the vacant Commissioner seat for District 3.

- Clerk Affidavit
- Arthur Schell
- Gary Gladwill
- Jerry Baker
- Joseph Pickett
- Phillip Wooley
- Tammy Hendrix

Andrew Haskin recommended the Commissioners establish a process for choosing which candidates to recommend to the Governor for consideration.

Comm. Henderson stated that they are to choose three names to be submitted in no ranked order, which Andrew Haskin clarified as “up to three”.

Comm. Hockaday commented that prior to the meeting, he coordinated a candidate presentation and selection process with District Attorney Steve Rye. Comm. Hockaday explained they agreed upon process as follows:

1. Applicants will draw numbers for presentation order.
2. County Manager will pull numbers for online applicants.
3. Applicants will have five minutes for their presentations.
4. Public commenters will have three minutes each after all applicants have finished presenting.
5. Voting will be conducted by Commissioner roll call and based on number drawn by applicant.

Comm. Hockaday called the applicants forward in chambers by order of the agenda to draw numbers for presentation order.

Andrew Haskin drew numbers for the candidates appearing by Zoom, and drew a number for Jerry Baker who was not present by Zoom or in-person.

**Presentation Order:** Joseph Pickett, Gary Gladwill, Jerry Baker, Arthur Schell, Phillip Wooley and Tammy Hendrix.

**Joseph Pickett:** has been a resident of Stagecoach for three years, President of 775 off road and recovery, has been a hotel manager for fifteen years and served on a Tourism Board as Treasurer and President/Chairman, so he is experienced with serving on a board. He stated that a representative should be someone who is a practical leader, considers fact over emotions, is capable, and is trusted by the community. Trust is very important in representing the community. Construction, water concerns and general quality of life are issues that need to be addressed in our County. A good leader makes a decision based on what the people want. Someone who is already trusted by the community and is part of the community should be in the Commissioner seat. He stated that he is formally withdrawing his application in support of Phillip Wooley.
Yerington, Nevada
January 19, 2023

District Attorney Steve Rye stated that the Board can remove Joseph Pickett’s application from consideration.

**Gary Gladwill:** is a former candidate for District Three County Commission, has been a Lyon County resident off and on since 1988 and in his current home since 1998. He stated that he can be a mediator and would like to bring his business acumen to the county. He is fiscally conservative and has run a business in this County for 20 years.

Comm. Henderson asked if Mr. Gladwill understood that Nevada is a Dillon’s Rule State and he stated that he did not. Comm. Henderson explained the rule and asked Mr. Gladwill if he understood the rule and Mr. Gladwill stated that he did.

Comm. Jacobson and Keller stated they would not ask any questions of the applicants until the end of the presentations.

**Arthur Schell:** stated he has been in Lyon County since 2014, currently works for the State of Nevada, is former military and is also part of the Historical Group. He hopes to help out his community, children, the elderly and veterans. He hopes to bring programs to them instead of them having to drive the long distances.

**Phillip Wooley:** stated he is here because a lot of people contacted him to apply for this position. He is the present founder of Desert Pigs, hosting blood drives all over Nevada, and he is helping to coordinate the count of the homeless population in the County. He has little to no experience in this position, but is not afraid of a challenge and wants to serve the County the best he can.

**Tammy Hendrix:** thanked the Commissioners for appointing her to the Silver Springs Advisory Board six years ago and twice to the Planning Commission. She currently serves as the Chair for the Planning Commission, has been retired for 6 years and wants to dedicate her retirement to serving Lyon County. She has served on the Lyon County Republican Central Committee and the Fernley Republican Women. She has extensive experience in civil engineering, land surveying and management, and is familiar with Lyon County Code.

Comm. Hockaday asked Board for questions or comments and there were none. He opened the meeting for public comment.

**Public Comment**

Russ Wright from Dayton urged the Commissioners to submit Mr. Wooley and Mrs. Hendrix for consideration.

Greg Clausen from Smith Valley agrees with Russ Wright’s comments. He stated that Mrs. Hendrix has excellent attention to detail. He also recommends submitting three applicants to the Governor, as opposed to less than three.
Amanda Brinnand stated she doesn’t know any of the applicants personally, but recommended Tammy Hendrix and Phillip Wooley based on their applications and seeing Tammy Hendrix in the Planning meetings and the donation of time by Phillip Wooley.

Comm. Hockaday closed public comment and asked for the Board to vote by applicant.

The Commissioner vote results from round one:

**Gary Gladwill:**
- Comms. Keller and Hockaday voted nay.
- 2-2

**Jerry Baker:**
- All Commissioners voted nay.
- 0-4

**Arthur Schell:**
- Comms. Keller and Jacobson voted nay.
- 2-2
- Comms. Henderson and Hockaday voted aye.

**Phillip Wooley:**
- 3-1
- Comm. Keller voted nay.

**Tammy Hendrix:**
- 3-1
- Comm. Henderson voted nay.

Comm. Hockaday asked for the Board to vote again to determine the third candidate to be submitted as there was a tie of 2-2 between Gary Gladwill and Arthur Schell.

Tie breaker results between Gary Gladwill and Arthur Schell:

**Gary Gladwill:**
- 2-2
- Comms. Keller and Hockaday voted nay.

**Arthur Schell:**
- 3-2

Comm. Henderson moved to submit the names of Arthur Schell, Tammy Hendrix and Phillip Wooley to Governor Lombardo for his consideration for appointment to the vacant District 3 seat.

Comm. Keller seconded, and the motion passed 4-0.

**15.b. For Presentation Only: Update from Lyon County Emergency Manager, Taylor Allison, on recent storm activity and flooding in Lyon County.**

Lyon County Emergency/Communications Manager Taylor Allison gave an update on the flooding situations in the County and services provided by the County to residents in need. The snow pack and the river levels are being monitored and people are encouraged to keep their sandbags in place or nearby.
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County Manager Andrew Haskin gave an overview on the Lyon County Grants. Federal awards for fiscal year 2022 totaled $8,520,864.00, with Human Services bringing in the most grants. He mentioned ways to improve the chances of identifying and increasing grant funding, as well as some possible grants to explore.

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Comm. Jacobson is cautious about the additional cost of hiring a grant writer.

Comm. Hockaday agreed that exploring new grants is important to consider, and suggested regularly reviewing what grants are available.

15.d. For Possible Action: Discussion on lobbyist representation at the Federal level and direct the County Manager to research options for representation. (Requested by Comm. Henderson)

Comm. Henderson stated that Lyon County does not have specific representation in Washington D.C. and expressed this need for the County. He would like the Commissioners to direct the County Manager to explore the possibilities of representation. There are firms that represent local Nevada Governments.

Comm. Keller requested more information on the program and the costs.

Comm. Hockaday stated the County should move forward with obtaining information, costs, and also convey what other counties in Nevada are doing.

Public Participation

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Comm. Henderson moved to direct the County Manager to research options for representation at the Federal level.

Comm. Hockaday seconded.

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Comptroller Josh Foli stated a good process would be to figure out exactly what the County would need them to lobby for prior to spending money on federal representation.

The motion passed 4-0.

15.e. For Possible Action: Approve a three-year employment agreement with Andrew Haskin to serve as County Manager.

Andrew Haskin stated that the County Manager employment agreement is the same template but with a few updates. The current salary is comparable to other counties.

Comm. Henderson asked if the contract amount for his salary could be increased.

Comm. Hockaday referred to District Attorney Steve Rye if they can change the rate of pay on the agendized contract today.

Steve Rye answered it would have to be re-agendized for consideration if an increase of salary was desired, but that lowering an amount would be acceptable.

Comm. Hockaday asked for public participation, and there was none.

Comm. Henderson made a motion to approve a three-year employment agreement with Andrew Haskin to serve as County Manager.

Comm. Keller seconded, and the motion passed 4-0.

15.f. For Possible Action: Discussion and provide direction to the County Manager to work with the U.S. Forest Service regarding a possible merger of the Lyon and Mineral County Resource Advisory Committee with the Northern Nevada Resource Advisory Committee (requested by Commissioner Henderson).

Comm. Henderson stated that the U.S. Forest Service reached out to him about meeting the requirements for the Lyon-Mineral County Resource Advisory Committee (RAC) to meet. He explained that eight members must exist for the Lyon-Mineral County RAC to meet, but has struggled to secure a quorum in order to activate the RAC to be able to expend funds. Lyon County has approximately $109k and Mineral County has approximately $132k in unspent funding which will be lost to the General Treasury if not spent. The U.S. Forest Service hopes to achieve a quorum
by combining the Lyon-Mineral County Resource Advisory Committee and the Northern Nevada Resource Advisory Committee and have a deadline of next week to submit the request to combine.

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16.a. For Presentation Only: Projects update by the Utilities Engineer (Kishora Panda)

Utilities Engineer Kishora Panda gave an update projects in Pre-Design/Planning which include the Hwy 50- Dayton Valley Rd Sewer Replacement Project Phase 2, Sewer Model Development, Silver Springs Gen. Improvement District Effluent Disposal Preliminary Engg. Report and Sheep Camp Dam Geotechnical Assessment. Projects in Construction include Sewer Lift Station 2 Replacement, Aspen Creek Rapid Infiltration Basins (RIBs), 10-Mile Hill Tank and Rolling A Wastewater Treatment Facility Phase 4 Expansion. Projects completed in the last two months was the Copper Canyon 14-Inch Water Main Evaluation.

Comm. Henderson asked how old the pipe that needs replaced is. David Bruketta stated the pipe is fifteen to twenty years old. Approximately 3500 linear feet needs to be replaced in the next three years.

Comptroller Josh Foli answered they are aware this pipe needs to be replaced, the County has received funds from a class-action lawsuit, and that no further recourse in recouping cost for replacement is available.

17. Agenda Requests

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Comm. Hockaday stated he will discuss some further issues offline at a later time. He requested for the culvert issues to be agendized and reviewed.
18. Commissioner Comments

Comm. Keller thanked additional staff, Doug Homestead and Dave Bruketta for also helping during the weather emergencies. He attended the Silver Springs Advisory Board Meeting; they have three new members. He stated there is currently 92,000 acre feet of water in the lake.

Comm. Henderson thanked Doug Homestead and Dave Bruketta. He also thanked the Commissioner applicants again.

Comm. Jacobson thanked all staff that helped with the weather emergencies. He wished everyone a safe trip home.

Comm. Hockaday also wished everyone a safe drive home.

19. Closed Session

There was a closed session.

20. Public Participation

Russ Wright from Dayton commended Comm. Hockaday for the public comment being put before the motions.

Jon Turner stated that keeping Mason Pass Road passable is very important and wondered if the mine would cause access to be lost or would they improve the road. He gave the phone number to 775 Off Road and Recovery to help motorists who get stuck on the pass. He has heard some comments on the road closed signs and people just thinking the county put road closed signs up due to liability reasons. East Fork Fire Protection District opened up a warming center in TRE. There were no resources in Smith Valley. There is also concern with local business drop off while Hwy 208 is closed.

Mike with Stagecoach GID asked where to get the info on the Open Meeting Law meeting. Erin Lopez answered she can be contacted via email at elopez@Lyon-County.org or she can be reached at the County Managers office.

21. Adjourn

Comm. Hockaday adjourned the meeting at 12:45 p.m.
Yerington, Nevada
January 19, 2023

ATTEST

______________________________
STACI LINDBERG, Lyon County Clerk/Treasurer
The Honorable Board of Lyon County Commissioners met this day, Thursday, January 19, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call


Via Zoom: Comm. Jacobson

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli, Emergency/Communications Manager Taylor Allison, and District Attorney Steve Rye.

2. Invocation given by Mitch Forster with Mason Valley Southern Baptist

Mitch Forster gave the invocation.

3. Pledge of Allegiance

4. Public Participation

There was none.

5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to adopt the agenda as written.

Comm. Keller seconded, and the motion passed 4-0.

6. Presentation of awards and/or recognition of accomplishments
   6.a. For Presentation Only: Present Deputy Peter Whitten and Sergeant Alfonzo Lopez with the Lyon County Sheriff’s Office Community Service Award for their efforts in raising approximately $11,000.00 dollars for the Shop With a Cop event.

Sheriff Pope recognized Deputy Whitten and Sergeant Lopez for raising enough money to triple the usual donations to the Shop With a Cop program.

7. Commissioners/County Manager reports

Comm. Henderson attended the Mound House Advisory Board and the Dayton Regional Advisory Board meetings. The NACO Public Lands Committee meeting reported that the Forest service is being sued by an organization stating that they need to have a clean water act permit before they can use fire retardant on wildfires. At the CAMPO meeting, they reported they are updating the traffic models.
Comm. Hockaday gave a report of his findings in Smith Valley and reported them to County employees. He appreciated the response of staff to concerned residents about the problems in Smith Valley.

County Manager Andrew Haskin advised the Board that he authorized $5090.84 for the Nevada Division of Forestry hand crew that helped with filling sandbags. He reported on the snow pack and that they will keep monitoring it. They have received three proposals for the solid waste franchise and this item will be scheduled for the first meeting in February. He will be speaking at the NNDA State of the Counties Breakfast next week to provide an update on the County. They are gearing up for the upcoming legislative session and he has received Bill drafts. The County has been maintaining on Mason Pass Road, but he’s encouraging people to go through Carson City. The other roads are not maintained by the County and are not alternate routes. County vehicles will not come tow people out when they get stuck. Don’t use Delphi Road.

Comm. Hockaday advised that from Smith Valley motorists need to travel from Artesia Road to Mason Pass.

8. Elected Official’s reports

Senator Robin Titus updated the public on the Wilson Canyon road closure, advising that she had met with Congressman Amodei regarding obtaining Federal funding or having Federal permitting processes expedited. She also spoke with NDOT and a contract has been signed regarding having an assessment completed.

9. Appointed Official’s reports

Road Director Dustin Homan reported that most of the snow on Mason Pass Road has been cleared, is in the process of being bladed, and hopes that next week, they will be able to get it all graded. They have the sink-hole issue fixed near Wilson Canyon so residents can get in and out of their roads.

10. Advisory Board reports

Erin Lopez mentioned that on March 4th at 8:30 a.m., they are having the annual Open Meeting Law and Handbook Training and invited all entities with a committee or board to attend and to get in touch with her if interested.

CONSENT AGENDA

Comm. Henderson moved to approve the consent agenda items #11.a. – 14.e.

Comm. Keller seconded, and the motion passed 4-0.

11. Assessor's Corrections

11.a. For Possible Action: Approval of changes on Assessor’s tax roll due to correction in assessments and review of tax roll changes.
Secured Property corrections totaled $5035.18 and Unsecured Factual Corrections totaled $980.63.

12. For Possible Action: Approve County Commission Minutes
   12.a. For Possible Action: Approve January 3, 2023 Minutes

The January 3, 2023 Minutes were approved.

13. Grants
   13.a. For Possible Action: Accept grant award from the State of Nevada Department of Health and Human Services (DHHS), for the Community Services Block Grant (CSBG), in the amount of $127,357.

14. Other Consent Items
   14.a. For Possible Action: Review and accept claims and financial reports.
       - Claims Report 12-16-22 to 12-31-22
       - Cash Report 12-31-22
       - Lyon County Quarterly Financials 12-31-22

The cash balance as of December 31, 2022 was $126,714,948.74. County claims totaled $2,265,902.71, and payroll totaled $1,218,351.64.

   14.b. For Possible Action: Review and accept travel claims.
       - Travel Report 12-16-22 to 12-31-22

Travel claims totaled $2136.31 as of December 31, 2022.


   14.d. For Possible Action: Approve a promotion for employee 951 from Appraiser to Senior Appraiser, effective March 23, 2023, with the estimated additional cost of $1,724 to be funded from a contingency budget transfer in fiscal year 2023.

   14.e. For Possible Action: Approve a budget transfer from contingency in the Silver and Gold Fund in the amount of $40,500 as matching funds to a federal grant to purchase two Meals on Wheels vehicles.

**END OF CONSENT AGENDA**

15. County Manager
15.a. For Possible Action: Forward a recommendation of up to three (3) candidates to Governor Lombardo from which the Governor may choose to make the final appointment to fill the vacant Commissioner seat for District 3.

- Clerk Affidavit
- Arthur Schell
- Gary Gladwill
- Jerry Baker
- Joseph Pickett
- Phillip Wooley
- Tammy Hendrix

Andrew Haskin recommended the Commissioners establish a process for choosing which candidates to recommend to the Governor for consideration.

Comm. Henderson stated that they are to choose three names to be submitted in no ranked order, which Andrew Haskin clarified as “up to three”.

Comm. Hockaday commented that prior to the meeting, he coordinated a candidate presentation and selection process with District Attorney Steve Rye. Comm. Hockaday explained they agreed upon process as follows:

1. Applicants will draw numbers for presentation order.
2. County Manager will pull numbers for online applicants.
3. Applicants will have five minutes for their presentations.
4. Public commenters will have three minutes each after all applicants have finished presenting.
5. Voting will be conducted by Commissioner roll call and based on number drawn by applicant.

Comm. Hockaday called the applicants forward in chambers by order of the agenda to draw numbers for presentation order.

Andrew Haskin drew numbers for the candidates appearing by Zoom, and drew a number for Jerry Baker who was not present by Zoom or in-person.

**Presentation Order:** Joseph Pickett, Gary Gladwill, Jerry Baker, Arthur Schell, Phillip Wooley and Tammy Hendrix.

**Joseph Pickett:** has been a resident of Stagecoach for three years, President of 775 off road and recovery, has been a hotel manager for fifteen years and served on a Tourism Board as Treasurer and President/Chairman, so he is experienced with serving on a board. He stated that a representative should be someone who is a practical leader, considers fact over emotions, is capable, and is trusted by the community. Trust is very important in representing the community. Construction, water concerns and general quality of life are issues that need to be addressed in our County. A good leader makes a decision based on what the people want. Someone who is already trusted by the community and is part of the community should be in the Commissioner seat. He stated that he is formally withdrawing his application in support of Phillip Wooley.
District Attorney Steve Rye stated that the Board can remove Joseph Pickett’s application from consideration.

**Gary Gladwill:** is a former candidate for District Three County Commission, has been a Lyon County resident off and on since 1988 and in his current home since 1998. He stated that he can be a mediator and would like to bring his business acumen to the county. He is fiscally conservative and has run a business in this County for 20 years.

Comm. Henderson asked if Mr. Gladwill understood that Nevada is a Dillon’s Rule State and he stated that he did not. Comm. Henderson explained the rule and asked Mr. Gladwill if he understood the rule and Mr. Gladwill stated that he did.

Comm. Jacobson and Keller stated they would not ask any questions of the applicants until the end of the presentations.

**Arthur Schell:** stated he has been in Lyon County since 2014, currently works for the State of Nevada, is former military and is also part of the Historical Group. He hopes to help out his community, children, the elderly and veterans. He hopes to bring programs to them instead of them having to drive the long distances.

**Phillip Wooley:** stated he is here because a lot of people contacted him to apply for this position. He is the present founder of Desert Pigs, hosting blood drives all over Nevada, and he is helping to coordinate the count of the homeless population in the County. He has little to no experience in this position, but is not afraid of a challenge and wants to serve the County the best he can.

**Tammy Hendrix:** thanked the Commissioners for appointing her to the Silver Springs Advisory Board six years ago and twice to the Planning Commission. She currently serves as the Chair for the Planning Commission, has been retired for 6 years and wants to dedicate her retirement to serving Lyon County. She has served on the Lyon County Republican Central Committee and the Fernley Republican Women. She has extensive experience in civil engineering, land surveying and management, and is familiar with Lyon County Code.

Comm. Hockaday asked Board for questions or comments and there were none. He opened the meeting for public comment.

**Public Comment**

Russ Wright from Dayton urged the Commissioners to submit Mr. Wooley and Mrs. Hendrix for consideration.

Greg Clausen from Smith Valley agrees with Russ Wright’s comments. He stated that Mrs. Hendrix has excellent attention to detail. He also recommends submitting three applicants to the Governor, as opposed to less than three.
Amanda Brinnand stated she doesn’t know any of the applicants personally, but recommended Tammy Hendrix and Phillip Wooley based on their applications and seeing Tammy Hendrix in the Planning meetings and the donation of time by Phillip Wooley.

Comm. Hockaday closed public comment and asked for the Board to vote by applicant.

**The Commissioner vote results from round one:**

**Gary Gladwill:**
- Comms. Keller and Hockaday voted nay.
- 2-2

**Jerry Baker:**
- All Commissioners voted nay.
- 0-4

**Arthur Schell:**
- Comms. Keller and Jacobson voted nay.
- Comms. Henderson and Hockaday voted aye.
- 2-2

**Phillip Wooley:**
- Comm. Keller voted nay.
- 3-1

**Tammy Hendrix:**
- Comm. Henderson voted nay.
- 3-1

Comm. Hockaday asked for the Board to vote again to determine the third candidate to be submitted as there was a tie of 2-2 between Gary Gladwill and Arthur Schell.

**Tie breaker results between Gary Gladwill and Arthur Schell:**

**Gary Gladwill:**
- Comms. Keller and Hockaday voted nay.
- 2-2

**Arthur Schell:**
- 3-1

Comm. Henderson moved to submit the names of Arthur Schell, Tammy Hendrix and Phillip Wooley to Governor Lombardo for his consideration for appointment to the vacant District 3 seat.

Comm. Keller seconded, and the motion passed 4-0.

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21. Adjourn

Comm. Hockaday adjourned the meeting at 12:45 p.m.
Yerington, Nevada  
January 19, 2023

ATTEST

___________________________
STACI LINDBERG, Lyon County Clerk/Treasurer
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number: 14.a

Subject: For Possible Action: Approve Sciarani & Co. as the auditor for the County with the fiscal year costs for fiscal years 2023, 2024, and 2025 being $75,000, $77,500, and $80,000.

Summary: Sciarani & Co. was previously approved by the Board to do the County audit for the three fiscal years 2020 through 2022 at an annual cost of $70,000. The proposed annual audit costs are: $75,000 for FY 2023, $77,500 for FY 2024, and $80,000 for FY 2025. For comparison in FY 2023: Carson City's annual audit cost is $96,250; Douglas County's annual audit cost is $152,637; and Churchill County's annual audit cost is $84,000.

Financial Department Comments: Recommend approval.

Approved As To Legal Form:

County Manager Comments:

Recommendation: Approve Sciarani & Co. as the auditor for the County with the fiscal year costs for fiscal years 2023, 2024, and 2025 being $75,000, $77,500, and $80,000.

ATTACHMENTS

- Lyon Co Audit Fee Proposal 2023-2025
January 10, 2023

To the Honorable Board of Commissioners
Lyon County, Nevada

We are writing this letter as a proposal to continue to serve as the auditors for Lyon County for the three fiscal years ending June 30, 2023 through 2025. Our goal has always been to form a partnership with the Lyon County by helping you meet the challenges and opportunities you face in achieving your financial objectives. The quality of our audit services is a result of acquiring applicable technical skills, continuing our governmental education, and over 30 plus years of governmental auditing experience. Competitive fees, quality service and a true interest in our clients has been our trademark.

We recognize our most important product is prompt, accurate and effective service of the highest quality. Therefore, we dedicate a substantial amount of time and resources to achieve this goal. As a result, we meet the high standard of quality that our clients deserve and our profession requires. Our firm prides itself in keeping abreast of new Governmental Accounting Standards Board's requirements and meeting the continued education requirements set forth by governmental auditing professional standards. Each member of our audit team has devoted a substantial amount of time each year acquiring the education and technical skills that enhance the quality of our audits. In fact, Mr. Sciarani has passed the Advanced Single Audit Certificate Exam.

In January of 2022, our firm successfully completed its mandatory peer review under the American Institute of CPAs (AICPAs) peer review program. A peer or quality review is required once every three years by firms that issue attestation opinions. Peer review is a process of self-regulation in which a qualified, independent CPA firm performs an in depth review of existing audit files for professional compliance standards and audit requirements. We are proud of our firm's unmodified Peer Review Report issued with no findings or letter of comments which accompanies this letter.

The Journal of Accountancy published an article titled "Common Attributes of Quality Audits". In the article it lists several attributes that lead to a quality governmental audit. The following is a listing of some of the main attributes found in that article:

1. An audit firm that received an unmodified peer or quality review.
2. An audit team that obtained a large amount of annual continuing professional education in governmental accounting and related federal financial assistance audits.

3. A CPA firm partner who spent a large percentage of his or her current-year time on federal financial assistance audits.

4. An audit team that spent a large percentage of its total time doing audits.

5. A manager whose time on the engagement represented a large percentage of the total audit hours.

Sciarani and Co. strongly believes we meet each of these attributes and characteristics ensuring that Lyon County receives a quality audit. We believe our profile, audit team, experience and education are catalysis to providing Lyon County with quality, prompt and personalized service.

We would like the opportunity to renew our service agreement with Lyon County and continue our successful professional relationship for a new three-year period.

With the continual volume of new Governmental Accounting Standards Board pronouncements issued, the time incurred on governmental audits proportionately increases each year. Additionally, we have seen inflationary pressures occurring with the likelihood to continue in the near term. As such, we are proposing modest increases in the annual audit fee from the current charge of $70,000 to $75,000 in fiscal year 2023, $77,500 in year 2024 and $80,000 in year 2025.

Thank you in advance for your consideration and for this opportunity to submit this letter of interest to continue to serve as Lyon County’s auditor.

Sincerely,

[Signature]
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
15.a

Subject:
For Possible Action: Accept a Continuing Education Scholarship award from the Nevada State Library Archives & Public Records for Amy Geddes to attend the Mountain Plains Library Association Joint Library Conference March 8-10, 2023.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •  - CE GIA Geddes conference
Federal 2022 LSTA Continuing Education (CE) Scholarship
GRANT-IN-AID AWARD

Scholarship Recipient(s): Amy Geddes
Subgrantee Library: Lyon County Library System
Address: 20 Nevin Way, Yerington, NV 89447
UEI Number: UT4JJ9N6L69
CE Activity: Mountain Plains Library Association/Oklahoma Library Association 2023 Joint Conference
CE Dates: March 8-10, 2023
Grant Number: 22-20

General
I. CE funded activities are as outlined in the approved CE application. Grant funds must be used to meet NSLAPR Five Year Plan and federal LSTA goals. The approved CE application submitted by the sub-grantee becomes part of this agreement.
II. The sub-grantee may not obligate or encumber grant funds prior to April 8, 2022. Funds may not be obligated or encumbered after June 30, 2023.
III. All unexpended grant funds must be returned to the Nevada State Library, Archives and Public Records

Grant Amounts and Reimbursement Procedures
I. Total Amount of Federal funds obligated for this project: $ 1,310
II. The sub-grantee must request payments as reimbursement of actual funds expended for the normal grant cycle. Advance payments may be requested under special circumstances and must be authorized by the LSTA Coordinator and NSLAPR Administrator prior to a payment request.
III. The sub-grantee may not obligate or encumber grant funds prior to April 8, 2022 or after June 30, 2023.
IV. Funds for the grant project are authorized according to the final application budget, match is not required.

Request for Fiscal and/or Programmatic Changes
The sub-grantee may request a budget and/or program amendments for fiscal or programmatic changes as outlined below. Sub-grantee must submit a request for the budget or program change in writing to NSLAPR. All requests for changes must be received 30 prior to CE activity. Requests received after that date will be considered on a case by case basis. The revision must be submitted before obligating or expending grant funds.
I. Fiscal Changes must have a Budget Revision for any of the following conditions:
   a. Transfers of grant funds among budget categories that exceed ten (10) percent of a budget category:
   b. A transfer of funds into a budget category that currently equals zero ($0);
   c. A change in the items listed in the approved budget categories if an item’s cost or features are substantially different from the approved grant application specifications.
II. Programmatic changes to the approved grant application must be submitted for a change in scope or objectives of the approved program, even if there is no associated budget revision. A change in scope is a substantive difference in the approach or method used to reach program objectives.

Reporting Requirements
The sub-grantee is responsible for submitting periodic reports that reflect the sub-grantee’s level of performance for the approved grant application.

Reports will be due on the following
   Reporting period: Final Report
   Report Due date: May 10, 2023 (2 months after CE end date)
Assurances and Conditions

I. The sub-grantee will complete and sign all required certifications and assurances.

II. The sub-grantee agrees to maintain all financial and programmatic records, supporting documents and other records relating to this grant award for three (3) years after the last State Program Report for the Nevada LSTA State Plan 2018 - 2022, to be submitted on December 31, 2023. The sub-grantee will maintain their records through December 31, 2026.

III. The sub-grantee accepts that any duly authorized representative of NSLAPR, the Nevada Division of Audits, the Legislative Counsel Bureau and the Institute of Museum and Library Services shall have access to any books, documents, papers and all records of information determined to be necessary to conduct an audit for funds expended under the terms and conditions of this sub-grant.

IV. This sub-grant may be terminated by written notice and mutual agreement of both parties.

V. Termination for Non-Appropriation: The continuation of this sub-grant is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by federal sources. Reservation of funds based upon budget reductions is included herein. The granting authority may reduce or terminate this sub-grant, and the sub-grantee waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the granting agency’s funding from federal sources is not appropriated or is withdrawn, limited, or impaired.

Name of Federal awarding agency: Institute of Museum and Library Services
Name of recipient: Nevada State Library, Archives and Public Records, Nevada Department of Administration
Recipient Unique Entity Identifier: CS7E4XL4DQMN5

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<td>Sept. 30, 2023</td>
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Contact Information
Question or concerns about an LSTA project should be directed to:

Sulin Jones/LSTA Coordinator
Nevada State Library, Archives and Public Records
(775) 684-3340 / Fax (775) 684-3311
E-mail: sulinjones@admin.nv.gov or nslaprista@admin.nv.gov

Required Signatures:

[Signature]
State Library, Archives & Public Records Administrator

[Signature]
Sub-grantee Authorized Official

Amy Gorges / Lyon County Library System Director

[Signature]
Mike Strom
Date

1/4/23

1/4/23
Agenda Item Number:
16.a

Subject:
For Possible Action: Approve a budget transfer from General Fund contingency in the amount of $63,066 to purchase replacement battery systems for three mountaintop communication sites.

Summary:
The battery backup systems for three of our mountaintop communication sites are over ten years old and are reaching the end of their lifespans. It takes sixteen weeks to receive them after they are ordered. The cost of the battery systems are $21,022 per communication site. This does not include installation, but that cost will be requested in IT's budget for the upcoming fiscal year. We need to order them so that they come during the summer months and can be installed before the sites are not easily reached.

Financial Department Comments:
This would be funded from a budget transfer from the General Fund Contingency.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve a budget transfer from General Fund contingency in the amount of $63,066 to purchase replacement battery systems for three mountaintop communication sites.

ATTACHMENTS

•
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
16.b

Subject:
For Possible Action: Approve a resolution of the Lyon County Board of Commissioners to designate signers on bank and investment accounts.

Summary:
At times, banks and investment companies require a resolution of the governing body to change signers on bank and investment accounts. This resolution will keep with the existing practice of having two signers from the Clerk-Treasurer's Office and the two signers from the Comptroller's Office. For internal controls, checks require two signatures. Outside the accounts for the Sheriff's Office, internal controls require one of the signers to be from the Clerk-Treasurer's Office and one from the Comptroller's Office. Having two signers available in each Department/Office helps to cover for when people are on leave or out of the office.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve a resolution of the Lyon County Board of Commissioners to designate signers on bank and investment accounts.

ATTACHMENTS
- Resolution for Bank Account Signers
RESOLUTION NO.

A RESOLUTION OF THE LYON COUNTY BOARD OF COMMISSIONERS
TO DESIGNATE SIGNERS ON BANK AND INVESTMENT ACCOUNTS

WHEREAS, financial institutions frequently require a resolution of the governing body designating signers on bank and investment accounts.

WHEREAS, the Board of Commissioners of Lyon County is the governing body of Lyon County and has the authority to designate signers on Lyon County bank and investment accounts;

NOW, THEREFORE, BE IT RESOLVED, that the Lyon County Board of Commissioners designates the following County employees as authorized signers on bank and investment accounts for Lyon County.

- Bank account for each Justice Court – Justice of the Peace and employees of the Justice Court as designated by the Justice of the Peace
- Bank accounts for the Sheriff’s Office – Sheriff, Chief Deputy Sheriff, Fiscal Analyst in the Sheriff’s Office
- All other bank and investment accounts - Clerk-Treasurer, Chief Deputy Clerk-Treasurer, Comptroller, and the Accounting Supervisor in the Comptroller’s Office.

PASSED, ADOPTED and APPROVED this 2nd day of February, 2023 by the following vote of the Lyon County Board of Commissioners.

AYES:__________________________________________________________________________

NAYS:__________________________________________________________________________

ABSENT:__________________________________________________________________________

ABSTENTIONS:____________________________________________________________________

Lyon County Board of Commissioners

_______________________________________________________________________________

Dave Hockaday, Chairman

ATTEST:_________________________________________________________________________

Staci Lindberg, Lyon County Clerk-Treasurer

Page 1 of 1
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
16.c

Subject:
For Possible Action: Review and accept claims and financial reports.

Summary:
Per NRS 244.210, the Board of Commissioners approves claims paid by the Comptroller’s office.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve claims as presented. Any claim being refused will be presented separately.

ATTACHMENTS
- Claims Report 1-1-23 to 1-15-23
- Cash Report 1-15-23
# CLAIMS REPORT
## JANUARY 1 THROUGH JANUARY 15, 2023

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Subtotal Governmental Funds: 73,580,907.86

## Enterprise Funds

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## Component Unit Funds

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Subtotal Component Unit Funds: 6,057,168.85

## Total Lyon County

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</table>

Subtotal Governmental Funds: 73,580,907.86

## Summary

- Lyon County: 108,455,514.03
- Custodial Funds: 20,620,038.05

Total: 129,040,091.17

(cash balances with a debit balance are overdrawn (negative cash))

## Summary of Account Balances

<table>
<thead>
<tr>
<th>Account Category</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank Checking</td>
<td>74,013,320.65</td>
</tr>
<tr>
<td>Local Government Investment Pool</td>
<td>54,983,466.30</td>
</tr>
<tr>
<td>Inmate Trust</td>
<td>33,521.22</td>
</tr>
<tr>
<td>Fernley Swimming Pool Imprest</td>
<td>300.00</td>
</tr>
<tr>
<td>Dayton Utilities Imprest</td>
<td>500.00</td>
</tr>
<tr>
<td>Silver Springs GID Imprest</td>
<td>500.00</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>8,483.00</td>
</tr>
</tbody>
</table>

Total: 129,040,091.17

## Bank Accounts and Petty Cash

- Lyon County: 108,455,514.03
- Custodial Funds: 20,620,038.05

Unallocated Cash

- Unapportioned Secured Taxes: -
- Unapportioned Unsecured Taxes: -
- Unapportioned Purchase Cards: (35,460.91)
- Unapportioned Interest: -

Total: 129,040,091.17
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
16.d

Subject:
For Possible Action: Review and accept travel claims.

Summary:
The Board of Commissioners has requested to review travel claims paid by the Comptroller’s office.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approval Recommended

ATTACHMENTS
- Travel Report 1-1-23 to 1-15-23
## LYON COUNTY TRAVEL REPORT
### January 1-15, 2023

<table>
<thead>
<tr>
<th>Department / Name</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sheriff</strong></td>
<td></td>
<td>448.00</td>
</tr>
<tr>
<td>Erik Kusmerz</td>
<td>CVSA Advanced Examiner, Orlando, FL 01/21-01/28/2023 - Per Diem</td>
<td></td>
</tr>
<tr>
<td><strong>Commissioners</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wes Henderson</td>
<td>Board Of Commissioner's meetings Oct - Dec. 2022 - Mileage</td>
<td>463.75</td>
</tr>
<tr>
<td>Vida Keller</td>
<td>Board Of Commissioner's meetings 7/7/22 - 12/15/22 - Mileage</td>
<td>431.25</td>
</tr>
<tr>
<td><strong>Juvenile Probation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abram Minnitte</td>
<td>Transport Juvenile to Las Vegas Center 01/12/23 - Per Diem</td>
<td>64.00</td>
</tr>
<tr>
<td>Arsenio Reyes</td>
<td>Transport Juvenile to Las Vegas Center 01/12/23 - Per Diem</td>
<td>64.00</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audrey Allan</td>
<td>Planning Commission Meeting 1/10/2023 - Mileage</td>
<td>59.63</td>
</tr>
<tr>
<td>Tammy Hendrix</td>
<td>Planning Commission Meeting 1/10/2023 - Mileage</td>
<td>40.00</td>
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<tr>
<td>Constantine Kuzmicki</td>
<td>Planning Commission Meeting 1/10/2023 - Mileage</td>
<td>35.00</td>
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<tr>
<td>Loretta Sell</td>
<td>Planning Commission Meeting 1/10/2023 - Mileage</td>
<td>41.25</td>
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<tr>
<td><strong>Library</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amy Geddes</td>
<td>NNDA State of the Counties, Carson City, NV 1/25/23 - Registration</td>
<td>60.00</td>
</tr>
<tr>
<td><strong>Dispatch</strong></td>
<td></td>
<td>1,050.00</td>
</tr>
<tr>
<td>Donna Cupp</td>
<td>Spillman Conference, Orlando, FL, 4/10 - 4/13/23 - Registration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,308.88</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department / Name</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Agenda Item Number: 17.a

Subject: For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the RIVERPARK PHASE 3, UNITS 16 & 17A, subdivision, located in Dayton, NV.

Summary: The applicant is requesting the release of the Improvement Bond for the subdivision known as RIVERPARK PHASE 3, UNITS 16 & 17A. The property owner, JC Fernley, LLC, has provided a Maintenance Bond in an amount equal to 10% of the original Engineer’s Cost of Construction. A Performance Improvement Bond was provided at the time of recordation of the subdivision map, which was to ensure that the required improvements were constructed and completed. All improvements were inspected and were found to be complete and the roadways built to meet Lyon County Improvement Standards. Certificates of Completion from the County Engineer, Roads Director and Lyon Utilities Director, certifying that all the improvements for this phase of the project have been satisfactorily completed, have been signed and are provided herewith. A Maintenance/Warranty Bond has been provided. This bond ensures that the completed improvements are constructed to Lyon County standards and that they remain in good condition for a period of one year.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation: The Lyon County Board of Commissioners finds that the requested release of the Performance Bond and acceptance for the Maintenance of the RIVERPARK PHASE 3, UNITS 16 &17A.

A. Is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes;
B. Will not be detrimental to the public health, safety, convenience and welfare; and
C. Will not result in material damage or prejudice to other property in the vicinity.

Based on the aforementioned findings, The Lyon County Board of Commissioners approves the release of the Performance Bond and acceptance of the Maintenance Bond for RIVER PARK PHASE 3, UNIT 16 17A.
ATTACHMENTS
  - Staff Report and Backup
MEETING DATE: FEBRUARY 2, 2023

TITLE:
Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the RIVERPARK PHASE 3, UNITS 16 & 17A, subdivision, located in Dayton, NV

SUMMARY:
The applicant is requesting the release of the Improvement Bond for the subdivision known as RIVERPARK PHASE 3, UNITS 16 & 17A.

The property owner, JC Fernley, LLC, has provided a Maintenance Bond in an amount equal to 10% of the original Engineer’s Cost of Construction.

A Performance Improvement Bond was provided at the time of recordation of the subdivision map, which was to ensure that the required improvements were constructed and completed.

All improvements were inspected and were found to be complete and the roadways built to meet Lyon County Improvement Standards. Certificates of Completion from the County Engineer, Roads Director and Lyon Utilities Director, certifying that all the improvements for this phase of the project have been satisfactorily completed, have been signed and are provided herewith.

A Maintenance/Warranty Bond has been provided. This bond ensures that the completed improvements are constructed to Lyon County standards and that they remain in good condition for a period of one year.

RECOMMENDED ACTION:
The Lyon County Board of Commissioners finds that the requested release of the Performance Bond and acceptance for Maintenance of the RIVERPARK PHASE 3, UNITS 16 & 17A, Dayton, NV:

A. Is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes;
B. Will not be detrimental to the public health, safety, convenience and welfare; and
C. Will not result in material damage or prejudice to other property in the vicinity.

Based on the aforementioned findings, the Lyon County Board of Commissioners approves the release of the Performance Bond and acceptance of the Maintenance Bond for RIVERPARK PHASE 3, UNITS 16 & 17A, Dayton, NV

For Information:
Andrew Haskin, County Manager/Community Development Director
Kerry Page, Planning Technician

List of Attachments:
Copy of recorded Subdivision map
Copy of Maintenance Bond
Copy of Engineer’s Cost Estimate
Certificates of Completion
BOND NO. EACX4003691W

INITIAL PREMIUM: $9,888.00
Subject to Renewal

SUBDIVISION IMPROVEMENTS
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, JC Fernley LLC, as Principal,

and Endurance Assurance Corporation, as Principal,

incorporated under the laws of the State of Delaware,

and authorized by the laws of the State of Nevada to execute bonds and undertakings, as Surety,

are held and firmly bound

unto Lyon County a political subdivision of the State of Nevada

____________________________ as obligee, in the sum of

**One Hundred Seventy Four Thousand Six Hundred Twenty Five and 64/100**

___________________________ ($ 174,625.64 ) Dollars,

for which payment whereof, well and truly to be made, we bind ourselves, our heirs, executors

and successors, jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal, as condition of the filing of the final subdivision map of
(Tract/Parcel) Map No. Riverpark Phase 3 Units 16-17A Warranty Bond

___________________________

Entered into an agreement or agreements with said Obligee to complete the improvements specified
in said agreement or agreements.

NOW, THEREFORE, the condition of this obligation is such, that is the above Principal shall well
and truly perform said agreement or agreements during the original term thereof or of any extension
of said term that may be granted by the Obligee with or without notice to the Surety, this obligation
shall be void, otherwise it shall remain in full force and effect.
IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at Reno, Nevada this 28th day of December, 2022.

"PRINCIPAL"

JC Feinley LLC

By: Kenneth D Hendrix

"SURETY"

Endurance Assurance Corporation

By: Andrea Cantlon

Attorney-in-Fact

COUNTERSIGNED BY:

Andrea Cantlon / LP Insurance Services LLC

(Print or Type Name Here)

300 E 2nd Street Suite 1300

Address

Reno, NV 89501

City, State & Zip Code

3091721

Nevada License Number
POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS, that Endurance Assurance Corporation, a Delaware corporation, Endurance American Insurance Company, a Delaware corporation, Lexion Insurance Company, a Texas corporation, and/or Bond Safeguard Insurance Company, a South Dakota corporation, each, a "Company" and collectively, "Somo International," do hereby constitute and appoint Andrea Cantlon, Pat Owens, Teri L. Wood, Carey Morgan, Shelly Demaray as true and lawful Attorneys-In-Fact to make, execute, seal, and deliver for, and on its behalf as surety or co-surety, bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate the Company for any portion of the penal sum thereof in excess of the sum of ONE HUNDRED MILLION Dollars ($100,000,000.00).

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Company as fully and to the same extent as if signed by the President of the Company under its corporate seal attested by its Corporate Secretary.

This appointment is made under and by authority of certain resolutions adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019 and said resolution has not since been revoked, amended or repealed:

RESOLVED, that the signature of an individual named above and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, each Company has caused this instrument to be signed by the following officers, and its corporate seal to be affixed this 15th day of June, 2019.

Endurance Assurance Corporation

By: Richard Appel, EVP & Senior Counsel

SEAL 2002 DELAWARE

Endurance American Insurance Company

By: Richard Appel, EVP & Senior Counsel

SEAL 1996 DELAWARE

LEXION INSURANCE COMPANY

By: Richard Appel, EVP & Senior Counsel

LEXION INSURANCE COMPANY

By: Richard Appel, EVP & Senior Counsel

LEXION INSURANCE COMPANY

By: Richard Appel, EVP & Senior Counsel

BOND SAFEGUARD INSURANCE COMPANY

By: Richard Appel, EVP & Senior Counsel

ACKNOWLEDGEMENT

On this 15th day of June, 2019, before me, personally came the above signatories known to me, who being duly sworn, did deprecate and say that he/she is an officer of each of the Companies, and that he/she executed said instrument on behalf of each Company by authority of his or her office under the by-laws of each Company.

By: Amy Taylor, Notary Public

My Commission Expires 3/9/23

CERTIFICATE

I, the undersigned Officer of each Company, DO HEREBY CERTIFY that:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of each Company and has not since been revoked, amended or modified, that the undersigned has compared the foregoing copy thereof with the original power of attorney, and that the same is a true and correct copy of the original power of attorney and of the whole thereof;

2. The following are resolutions which were adopted by the sole shareholder of each Company by unanimous written consent effective June 15, 2019 and said resolutions have not since been revoked, amended or modified:

   RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Company any and all bonds, undertakings or obligations in surety or co-surety with others: RICHARD M. APPEL, BRIAN J. BEGGS, CHRISTOPHER DONELAN, SHARON L. SIMS, CHRISTOPHER L. SPARRO, MARIANNE L. WILBERT;

   and be it further

   RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Company.

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 26th day of December, 2022.

By: Daniel S. Lott, Secretary

NOTICE: U. S. TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL (OFAC)

No coverage is provided by this Notice nor can it be construed to replace any provisions of any surety bond or other surety coverage provided. This Notice provides information concerning possible impact on your surety coverage due to directives issued by OFAC. Please read this Notice carefully.

The Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy, based on Presidential declarations of “national emergency”. OFAC has identified and listed numerous foreign agents, front organizations, terrorists, terrorist organizations, and narcotics traffickers as “Specially Designated Nationals and Blocked Persons”. This list can be located on the United States Treasury’s website – https://www.treas.gov/resource-center/terrorist-sanctions/SDN-List.

In accordance with OFAC regulations, it is determined that you or any other person or entity claiming the benefits of any coverage has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC, any coverage will be considered a blocked or frozen contract and all provisions of any coverage provided are immediately subject to OFAC. When a surety bond or other form of surety coverage is considered to be such a blocked or frozen contract, no payments nor premium refunds may be made without authorization from OFAC. Other limitations on the premiums and payments may also apply.

Any reproductions are void.

Surety Claims Submission: LexionClaimAdministrations@sompo-intl.com

Telephone: 615-553-9503 Mailing Address: Sompo International; 12890 Lebanon Road; Mount Juliet, TN 37122-2870
REVISED BOND ESTIMATE

PROJECT: Riverpark Phase 3 - Units 16-17A  
DEVELOPER: KDH Builders, LLC  
ENGINEER: Manhard Consulting, Ltd.

PREPARED BY: DCB  
DATE: 12/14/22  
AREA (ACRES): 27.98 +/-  

PROJECT METADATA:

** Number of Lots or Units: 71

### STREETS

<table>
<thead>
<tr>
<th>Description</th>
<th>DOLLAR AMOUNT FROM ORIGINAL ESTIMATE</th>
<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 1/2&quot; Asphalt Concrete Pavement</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>3&quot; Asphalt Concrete Pavement</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>4&quot; Asphalt Concrete Pavement</td>
<td>$400,269.80</td>
<td>100%</td>
<td>10%</td>
<td>$40,026.98</td>
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<tr>
<td>6&quot; Asphalt Concrete Pavement</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Metal Guardrail</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>5' Aggregate Base Material</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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<tr>
<td>6&quot; Aggregate Base Material</td>
<td>$131,236.00</td>
<td>100%</td>
<td>10%</td>
<td>$13,123.60</td>
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<tr>
<td>8&quot; Aggregate Base Material</td>
<td>$14,314.05</td>
<td>100%</td>
<td>10%</td>
<td>$1,431.41</td>
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<tr>
<td>10&quot; Aggregate Base Material</td>
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<td>0%</td>
<td>$0.00</td>
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<tr>
<td>Fog Seal</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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### GRADING**

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<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway (within Right of Way)</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>On-Site (Mass Grading)</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
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</table>

** Grading was previously bonded with Mass Grading Improvement Plans.

### CONCRETE

<table>
<thead>
<tr>
<th>Description</th>
<th>DOLLAR AMOUNT FROM ORIGINAL ESTIMATE</th>
<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb &amp; Gutter with Base (type II)</td>
<td>$150,240.00</td>
<td>100%</td>
<td>10%</td>
<td>$15,024.00</td>
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<tr>
<td>Median Curb with Base</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Sidewalk 4' with Base</td>
<td>$114,752.00</td>
<td>100%</td>
<td>10%</td>
<td>$11,475.20</td>
</tr>
<tr>
<td>Sidewalk 5' with Base</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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</tr>
<tr>
<td>Alley Section</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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</tr>
<tr>
<td>Valley Gutter</td>
<td>$1,284.50</td>
<td>100%</td>
<td>10%</td>
<td>$128.45</td>
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<tr>
<td>Longitudinal Valley Gutter</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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<tr>
<td>Drainage Swale</td>
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<td>0%</td>
<td>$0.00</td>
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### WALLS

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<tr>
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<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retaining Wall 4' - 6'</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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</tr>
<tr>
<td>Retaining Wall 6' - 8'</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Sound Barrier 6' - 8'</td>
<td>$135,142.00</td>
<td>100%</td>
<td>10%</td>
<td>$13,514.20</td>
</tr>
<tr>
<td>Sound Barrier 8' - 10'</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Rockery Retaining Wall 1' - 3'</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>Rockery Retaining Wall 3' - 6'</td>
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</tr>
<tr>
<td>Rockery Retaining Wall 6' - 10'</td>
<td></td>
<td>0%</td>
<td>$0.00</td>
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Subtotal: $94,723.84
### SANITARY SEWER

<table>
<thead>
<tr>
<th>Description</th>
<th>DOLLAR AMOUNT FROM ORIGINAL ESTIMATE</th>
<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manhole 48&quot; Diameter</td>
<td>$104,000.00</td>
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<td>10%</td>
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<tr>
<td>Manhole 60&quot; Diameter</td>
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<tr>
<td>Drop Manhole 48&quot; Diameter</td>
<td></td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Drop Manhole 60&quot; Diameter</td>
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<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Service Laterals 4&quot; Diameter</td>
<td>$60,000.00</td>
<td>100%</td>
<td>10%</td>
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<tr>
<td>Manhole Type 5</td>
<td></td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Sewer Main 8&quot; Diameter</td>
<td>$175,250.00</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Sewer Main 10&quot; Diameter</td>
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<tr>
<td>Sewer Main 12&quot; Diameter</td>
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<tr>
<td>Sewer Main 15&quot; Diameter</td>
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</tr>
<tr>
<td>Sewer Main 18&quot; Diameter</td>
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<td>0%</td>
</tr>
</tbody>
</table>

### STORM DRAIN

<table>
<thead>
<tr>
<th>Description</th>
<th>DOLLAR AMOUNT FROM ORIGINAL ESTIMATE</th>
<th>WORK % COMPLETE</th>
<th>RETAINER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manhole 48&quot; Diameter</td>
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<td>0%</td>
</tr>
<tr>
<td>Manhole 60&quot; Diameter</td>
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</tr>
<tr>
<td>Manhole Type V</td>
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</tr>
<tr>
<td>Catch Basin Type I</td>
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<td>0%</td>
</tr>
<tr>
<td>Catch Basin Type II</td>
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Subtotal: $33,925.00  
Subtotal from Page 1: $94,723.84
## PUBLIC UTILITIES

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## MISCELLANEOUS

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Subtotal of Page 3: $45,976.80
Total of Pages 1, 2 & 3: $174,625.64

ORIGINAL BOND ESTIMATE TOTAL: $1,746,256.35
MIN. RETAINER AMOUNT: $174,625.64
(10% of original total)

AMOUNT OF RETAINER: $174,625.64
LYON COUNTY COMMUNITY DEVELOPMENT
PLANNING DIVISION

27 South Main Street
Yerington, NV 89447
Phone: (775) 463-6592   Fax: (775) 463-5305

CERTIFICATE OF COMPLETION

I, Charles Reno, Lyon County Engineer, do hereby certify that the construction of the improvements within the Riverpark P3 Unit 16 & 17A__ Subdivision located in Dayton, Nevada, which are further identified as curb, gutter, sidewalk, asphalt paving, underground utilities, drainage facilities, and related appurtenances, have been completed in accordance with the standards of Lyon County and to the satisfaction of the Lyon County Inspector and do hereby recommend acceptance of the improvements by the Lyon County Board of Commissioners.

Dated this 13 day of __February____, 2002

Charles Reno, PE, WRS
Lyon County Engineer

Recording requested by:
Lyon County Comm. Development
Planning Division
27 South Main Street
Yerington, NV 89447
LYON COUNTY COMMUNITY DEVELOPMENT
PLANNING DIVISION
27 South Main Street
Yerington, NV 89447
Phone: (775) 463-6592   Fax: (775) 463-5305

CERTIFICATE OF ACCEPTANCE

I, Dustin Homan, Lyon County Road Department Director, do hereby certify that the offer of dedication within the Riverpark P3 Unit 16 & 17A Subdivision located in Dayton, Nevada, which are further identified as Lyon County public rights-of-way facilities, and related appurtenances, is acceptable in accordance with the standards of Lyon County and to the satisfaction of the Lyon County Road Department and do hereby recommend acceptance of the offer for dedication by the Lyon County Board of Commissioners.

Dated this 13 day of April, 2022.

Dustin Homan, Director
Lyon County Road Department

Recording requested by:
Lyon County Comm. Development
Planning Division
27 South Main Street
Yerington, NV 89447
CERTIFICATE OF COMPLETION

To: Community Development – Planning Division
From: David Bruketta, Utilities Director
Regarding: Riverpark Phase 3, Units 16 & 17A

I, David Bruketta, Lyon County Utilities Director, do hereby certify that the construction of the improvements within the Riverpark Phase 3, Units 16 & 17A Subdivision located in Dayton, Nevada, which are further identified as municipal water and sewer utility facilities, and related appurtenances, have been completed in accordance with the standards of Lyon County and do hereby recommend acceptance of the improvements by the Lyon County Board of Commissioners.

Dated this 12 day of May, 2022.

David Bruketta,
Lyon County Utilities Director

Recording requested by:
Lyon County Comm. Development
Planning Division
27 South Main Street
Yerington, NV 89447
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
17.b

Subject:
For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificate of Completion, for the TRADITIONS VILLAGE 1, PHASE 1, subdivision, located in Dayton, NV

Summary:
SUMMARY:
The applicant is requesting the release of the Improvement Bond for the subdivision known as TRADITIONS VILLAGE 1, PHASE 1, to be replaced with a 10% Maintenance/Warranty Bond.

A Performance Improvement Bond was provided, at the time of recording the subdivision map, to ensure that the improvements are constructed and completed in a timely manner. The improvements have been inspected and were found to be complete and the roadways constructed to Lyon County Improvement Standards. A Certificate of Completion, certifying that all the improvements for this phase of the project are complete to the satisfaction of the County Engineer, Roads Director and Lyon Utilities Director.

A Maintenance Bond in the form of a Cashier's Check, has been provided. This bond ensures that the completed improvements are constructed to the satisfaction of Lyon County and that they remain in good condition for a period of one year.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
The Lyon County Board of Commissioners finds that the requested release of the Performance Bond and acceptance for Maintenance of the TRADITIONS VILLAGE 1, PHASE 1, Dayton, NV:
A. Is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes;
B. Will not be detrimental to the public health, safety, convenience and welfare; and
C. Will not result in material damage or prejudice to other property in the vicinity.

ATTACHMENTS
• - Staff Report and Backup
MEETING DATE: FEBRUARY 2, 2023  ITEM #________

TITLE:
Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificate of Completion, for the TRADITIONS VILLAGE 1, PHASE 1, subdivision, located in Dayton, NV

SUMMARY:
The applicant is requesting the release of the Improvement Bond for the subdivision known as TRADITIONS VILLAGE 1, PHASE 1, to be replaced with a 10% Maintenance/Warranty Bond.

A Performance Improvement Bond was provided, at the time of recording the subdivision map, to ensure that the improvements are constructed and completed in a timely manner.

The improvements have been inspected and were found to be complete and the roadways constructed to Lyon County Improvement Standards. A Certificate of Completion, certifying that all the improvements for this phase of the project are complete to the satisfaction of the County Engineer, Roads Director and Lyon Utilities Director.

A Maintenance Bond in the form of a Cashier’s Check, has been provided. This bond ensures that the completed improvements are constructed to the satisfaction of Lyon County and that they remain in good condition for a period of one year.

RECOMMENDED ACTION:
The Lyon County Board of Commissioners finds that the requested release of the Performance Bond and acceptance for Maintenance of the TRADITIONS VILLAGE 1, PHASE 1, Dayton, NV:

A. Is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes;
B. Will not be detrimental to the public health, safety, convenience and welfare; and
C. Will not result in material damage or prejudice to other property in the vicinity.

Based on the aforementioned findings, the Lyon County Board of Commissioners approves the release of the Performance Bond and acceptance of the Maintenance Bond for TRADITIONS VILLAGE 1, PHASE 1, Dayton, NV (APN 016-406-15)

For Information:
Andrew Haskin, Community Development Director
Kerry Page, Planning Technician

List of Attachments:
Copy of recorded Subdivision map
Copy of Performance Bond
Copy of Engineer’s Cost Estimate
Certificate of Completion
LYON COUNTY COMMUNITY DEVELOPMENT
PLANNING DIVISION

CERTIFICATE OF COMPLETION

I, Charles Reno, Lyon County Engineer, do hereby certify that the construction of the improvements within the Traditions Village 1 Phase 1 subdivision located in Dayton, Nevada, which are further identified as curb, gutter, sidewalk, asphalt paving, underground utilities, drainage facilities, and related appurtenances, have been completed in accordance with the standards of Lyon County and do hereby recommend acceptance of the improvements by the Lyon County Board of Commissioners.

Dated this 17th day of November 2022.

Charles Reno,
Lyon County Engineer

Recording requested by:

Lyon County Comm. Development
Planning Division
27 South Main Street
Yerington, NV 89447
Phone: (775) 463-6592
Fax: (775) 463-5305
### ENGINEER'S ESTIMATE FOR 10% MAINTENANCE BOND

**Project:** Traditions Village 1 - Phase 1  
**Developer:** Stan Lucas  
**Engineer:** Manhard Consulting Ltd  
**Prepared By:**  
**Date:** 12/2/2022  
**Number of Lots or Units:** 55  
**Area (Acres):** 13.29

### STREETS

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<th>% Maintenance Requirement</th>
<th>Total After % Reduction</th>
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<td>2 1/2&quot; Asphalt Concrete Pavement</td>
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<td>3&quot; Asphalt Concrete Pavement</td>
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Subtotal: $47,608.75

### GRADING

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Subtotal: $8,447.25

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Subtotal: $24,218.00
## SANITARY SEWER

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Subtotal: $ 22,600.00

## STORM DRAIN

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<tr>
<td>Catch Basin Type IV High Cap.</td>
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<tr>
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<td>$ 1,800.00</td>
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<td>Sidewalk Drain</td>
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<td>Yard Drain</td>
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<td>Lateral - 12&quot; Diameter</td>
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<td>Storm Drain Main 18&quot; Diameter</td>
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<td>Storm Drain Main 30&quot; Diameter</td>
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Subtotal: $ 15,323.00
**Project:** Traditions Village 1 - Phase 1  
**Date:** 12/02/22  
**Prepared By:** DRB

**WATER**

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<th>Total After % Reduction</th>
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<td>Air Release Valve</td>
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<td>6&quot; Water</td>
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Subtotal: $23,244.30

**MISCELLANEOUS**

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<td>Street Signs</td>
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<td>Pavement Markings</td>
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Subtotal: $3,470.00

Subtotal of Page 3: $26,714.30  
Total of Pages 1, 2 & 3: $144,909.30

Total: $144,909.30

**Minimum Security Reduction Amount (10% of Original):** $132,460.00

**Amount of Security:** $144,909.30

Engineer's Seal & Signature

2022-11-21_Phase 1_EOPC - Bond Reduction.xls Page 3 of 3  
12/2/2022
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
18.a

Subject:
For Possible Action - To approve a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup Materials
STAFF REPORT and
PLANNING COMMISSION ACTION

PLZ-2022-173  Conditional Use Permit for the Expansion of a Nonconforming Use
Meeting Date  February 2, 2023
Owner  John & Ann Miles
Applicant  Same
Location  Dayton
Parcel Number  006-052-02
Parcel Size  0.1 acres
Master Plan  Mixed Use
Zoning  Community Commercial
Flood Zone  X Unshaded per FIRM 32019C0452F
Case Planner  Bill Roth

REQUEST
The applicant is requesting a Conditional Use Permit (CUP) to allow for the expansion of a nonconforming use (single-family residential in the CC (Community Commercial) zoning district) for the purpose of constructing a detached garage.

PROJECT SUMMARY
The applicant’s proposal includes the construction of a detached, one-car garage with storage area, totaling approximately 368 square feet in size, in the rear yard of the property, which is located in the Comstock Historical District – Dayton Area. A proposed driveway measuring approximately 14 feet in width and 46 feet in length would connect the garage to the alleyway (24-feet width) that abuts the rear property line. The garage would be located five feet from both side property lines, similar to the existing house (circa 1908), which is set back five feet from the northern property line and three feet from the southern property line. The applicant owns the adjacent property to the south, which includes several small accessory buildings. The adjacent property to the north is owned by a separate party and includes a restaurant (Compadres Mexican Restaurant). Both adjacent properties are also zoned Community Commercial.
As the subject property is zoned for commercial use, the addition of the garage to serve the existing non-conforming single-family residential use would be considered an expansion of the non-conforming residential use and, therefore, requires the approval of a Conditional Use Permit.

**PLANNING COMMISSION**

At the January 10, 2023 Planning Commission meeting, the Commission voted 7-0 to recommend approval to the Board of Commissioners. There were no concerns raised and no members of the public provided comment regarding the project.

**RECOMMENDED MOTION**

If the Board of County Commissioners determines that they will approve the request for a Conditional Use Permit, they may want to consider a motion similar to the following.

**The Board of County Commissioners finds that:**

A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;

D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;

E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;

F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and

G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.

**Based on the aforementioned Findings, I move that the Board of Commissioners approve the request by Mr. John Miles for a Conditional Use Permit to allow a Detached Garage on a 0.1 acre parcel in the Community Commercial zoning district, accessed by Pike Street north of Tyler in Dayton, located on APN 006-052-02, subject to the following Conditions of Approval (PLZ-2022-189).**

**CONDITIONS OF APPROVAL**

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
3. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval prior to issuance of a Building Permit.

4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.

5. Exterior lighting for the garage, if any, shall be downward facing and shielded such that light is not shed onto adjacent properties.

6. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the conditional use may result in the institution of revocation proceedings. *Failure to initiate the conditional use permit within one (1) year from the date of approval or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.*
BACKGROUND INFORMATION

Location

The subject parcel is located in the Comstock Historical District Dayton Area, to the west of Highway 50. Vehicular access to the parcel is provided via Pike Street, which connects to 2nd Avenue to the north and Main Street to the south. There is an unimproved alleyway to the west of the parcel, abutting its rear property line.
Subject Parcel Size

The subject parcel is approximately 0.1 acres (4,356 square feet) in size.

Topography

The subject parcel is relatively flat. The image to the right is from the County GIS system and includes 10’ contour lines.
Site Photos

The images to the right and below were provided by the applicant. Additional photos are available in the attached materials. The images are taken from Pike Street. The yellow house is the primary dwelling on the subject property. The adjacent restaurant property is shown on the right in the photo below.

Master Plan and Zoning

The Master Plan designation for the site is Mixed Use. The parcel is currently zoned C-2 (General Commercial), under Title 10 and CC (Community Commercial) under Title 15. The existing surrounding zoning is also C-2 as well as NR-1 (Single-Family Nonrural Residential District) and C-1 (Limited Commercial District).

The parcel should be reviewed with the Title 15, CC (Community Commercial) land use and development regulations per the Zoning Consistency Matrix which was adopted as Exhibit A along with Title 15, the current land use and development code for Lyon County.
**Historical Character District**
The parcel is located in the Dayton Historical Character District. Historic Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries with the intent to preserve existing historic character or to promote “historic” architectural design elements.
Flood Zone Designation

The subject site is located within the X-Unshaded Flood Zone per the FEMA Flood Insurance Rate Map Panel 32019C0452F (effective date: 10/20/2016). The site is outside the 500-year flood plain and no Floodplain Development permit will be necessary for development on site.

Public Facilities

Lyon County Utilities Department provides an existing domestic water and sewer connection to the property and had no further comments on the project at this time.

Project Description

The proposed project consists of an approximately 368 square feet detached one-car garage with internal storage on a parcel with an existing single-family house that was built around 1908. Central Lyon Fire has provided a letter, dated August 5, 2022, finding the proposed garage in conformance with the applicable non-structural fire and life safety codes. As the proposed property is located in the Comstock Historic District, the proposed garage was reviewed by the Comstock Historic District Commission, which provided an approved Certificate of Appropriateness, dated June 14, 2022.

Per the applicant, the proposed development is described as such.

Detached garage for house at 155 Pike Street. Access will be from alley.

The site plans and images that follow were included in the applicant’s submittal. Additional materials submitted by the applicant are included in the attachments to this report. This includes color samples of burgundy and treeline green.
Building Permit Required

Should the proposed CUP for the expansion of a nonconforming use be approved, the proposed detached garage structure would be subject to Building Permit Review. The applicant has provided a site plan and conceptual elevation drawing and a floor plan of the proposed garage (below).

Site Plan

Elevation

Floor Plan
Conditional Use Permit

With the adoption of Title 15, the Board of Commissioners also adopted Exhibit A – Zoning Consistency Matrix. The Zoning Consistency Matrix is to be used to determine the correct land use and development regulations to use until staff completes the Title 15 rezoning to convert properties from the Title 10 zoning districts over to the Title 15 zoning districts. As previously stated, the parcel under consideration is currently zoned C-2 (General Commercial); however, as shown in the adopted Zoning Consistency Matrix, the corresponding Title 15 zoning districts is CC (Community Commercial).

Properties with the CC designation are typically located in Suburban Character Districts and are intended to provide a mix of commercial and retail services in a concentrated and unified center that serves the local community. Given the Master Plan goal of preserving historic character, adaptive re-use of the historic house on the property with a commercial use could be an option in the future that would be consistent with the intent of the CC zoning designation; however, at present, it is the applicant’s intent to continue to use the property as single-family residential. The proposed garage to serve the existing house is considered an accessory structure and an expansion of that nonconforming single-family residential use. An excerpt from Table 15.320-2 is provided below, showing that Residential accessory use or structure is not permitted in the CC zoning district.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Suburban Residential</th>
<th>Mixed Use/Commercial</th>
<th>Specific Use Regulations (Code Reference)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential uses:</td>
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<tr>
<td>Home based business</td>
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<td>Home occupation</td>
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<td>P</td>
</tr>
<tr>
<td>Residential accessory use or structure</td>
<td>P</td>
<td>P</td>
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<td>Accessory dwelling unit</td>
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<td>P</td>
<td>P</td>
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<td>Single-family</td>
<td>P</td>
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</tbody>
</table>
When considering applications for a CUP, the commission or Board must evaluate the impact of the conditional use on, and its compatibility with, surrounding properties and neighborhoods to mitigate potential impacts of the use at a particular location and make the following findings from Chapter 15.230.06: FINDINGS. Each Finding is listed with the applicant’s response and staff’s comments.

**FINDINGS**

Finding A: The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

**Applicant’s Response**

This is an enhancement of the existing structure that was built in 1908, and is consistent with the historical norms of downtown old Dayton.

a. The proposed development is consistent with the following Lyon County Master Plan Goal and Policies:

i. **LU 6.1: Provide alternative standards that allow for unique growth in historic districts.**

   Lyon County will develop creative and flexible design standards for historic districts that acknowledge, at a minimum, the need for alternative:

   - Off-street parking requirements
   - Topography consideration
   - Parcel configuration
   - Setback requirements

ii. **Policy C 1.2: Pedestrian Friendly Communities**

iii. **Policy C 3.1: Maintain and Restore Historic Resources**

... Strategies:

   - Continue to implement zoning designations that encourage historic use and development patterns including mixed-use structures and districts.

**Staff Comment**

The proposed garage is located at setbacks equal to or greater than the existing historic house, such that it follows the established development characteristics of the subject property and supports the continued residential use of the historic house, consistent with 2020 Master Plan Policy LU 6.1. Because the new garage is detached and would be located behind the house, it will not detract from or block views of the historic house when viewed from the property’s Pike Street frontage. That the garage would take access off of a rear alleyway rather than Pike Street is conducive to a pedestrian-friendly environment, as it reduces the need for vehicle access onto the property via Pike Street. The proposed garage would contribute to the function and convenience of the property for its residents, which, in turn, is supportive of long-term occupancy and up-keep by those that live there. This Finding is met.

B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
**Applicant’s Response**

The adjacent properties are various, and some are in a state of dilapidation, and by enhancing the subject property with the shown out-building, the project would impact the neighborhood in a positive or neutral way.

**Staff Comment**

The proposed garage would not generate new impacts to the area and, instead, provides an enclosed building wherein a vehicle and other tools and items may be stored out of public view. The proposed garage height and site placement at rear and adherence to existing building setbacks ensure the building would be subordinate to the existing house and would not be detrimental to the adjacent restaurant use. This Finding is met.

**C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;**

**Applicant’s Response**

Since the identified structure is only an ancillary structure to enhance the existing house, there will be no additional traffic impacts.

**Staff Comment**

The proposed garage would serve residents of the property and would not increase vehicular traffic on the roadway. This Finding is met.

**D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;**

**Applicant’s Response**

The construction of this project will not impact any traffic flow;

**Staff Comment**

The proposed garage would not impact area traffic flow such that mitigation would be necessary. The proposed driveway access via the rear alleyway rather than Pike Street may indeed reduce the potential for vehicle circulation conflicts on Pike Street. This Finding is met.

**E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;**

**Applicant’s Response**

The proposed structure has been approved by the historical society with their guidelines and will enhance the subject property thus enhancing the neighborhood.

**Staff Comment**

As previously stated, the size and location of the proposed garage would not impact views of the historic house and supports the historic residential use and occupancy of the property. The proposed project would not introduce a new use that would generate adverse effects on adjacent properties. This Finding is met.

**F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and**
**Applicant’s Response**

The subject building will only be served by electricity, thus not impacting the utilities of the district. The project does not meet existing zoning provisions, but is asking for a conditional use permit as it meets the historical uses and setbacks utilized by the existing structure.

**Staff Comment**

As previously stated, the proposed property is already served by County water and sewer and would not generate a new use that would require additional water or sewer services. The property is located in the Comstock Historic District and has been deemed appropriate per the Comstock Historic District Commission, such that it would not be detrimental to the historic character of the property or district. As conditioned, the use is consistent with the zoning standards of Title 15 and staff feels this Finding is met.

**G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.**

**Applicant’s Response**

The proposed project has been approved by the Central Lyon County Fire District. The construction of said project will not be detrimental to any of the adjacent properties.

**Staff Comment**

As stated, Central Lyon Fire has provided a letter, dated August 5, 2022, finding the proposed garage in conformance with the applicable non-structural fire and life safety codes. The proposed garage will be subject to Building Permit review, which will ensure that the structure will not be detrimental to health, safety and welfare. This Finding is met.
STATE OF NEVADA
COMSTOCK HISTORIC DISTRICT COMMISSION
P.O. BOX 128
VIRGINIA CITY, NEVADA 89440

CERTIFICATE OF APPROPRIATENESS

This Certificate verifies that pursuant to Nevada Revised Statutes Section 384.110,

John Miles, owner

has made application to the Comstock Historic District Commission for a Certificate of
Appropriateness for work to be conducted on the structure located at:

155 Pike St., Dayton

property address/description

This application has been reviewed by the Comstock Historic District Commission in accordance with Chapter 384 of the Nevada Revised Statutes. The proposed project as described in the application on file with the Commission’s office, as amended at the public meeting before the Commission if applicable, has been deemed appropriate to the preservation of the Comstock Historic District. The work specified below or in detail in Exhibit A attached here to and made part thereof, may now be commenced. This certificate shall not be effective without said description or attachment. This certificate will be in force and effect until:

6/14/23 unless there is a violation thereof

The observation of work not in keeping with this certificate shall constitute due cause for the issuance of a Stop Work Order and legal action pursuant to NRS 384.190 to 384.200 inclusive

This certificate is not valid or effective until signed by the owner of the property in question or his representative and the Chair of the CHDC or his duly appointed representative.

Date

Owner

Chair, CHDC

Garage as per plans
with 45° corners on
garage opening.
August 5, 2022

John and Ann Miles

Project address: 155 Pike St. Utility Building
Occupancy type: U
Construction type: VB
Occupant Load: residential, garage
Project Area: 368 sq. ft.

The Central Lyon County Fire Protection District has reviewed your application for the above referenced project.

This review is to verify conformance with the non-structural fire and life safety codes adopted by the State of Nevada, Lyon County and Central Lyon County Fire Protection District.

Your project is approved for construction.

This project conforms with Class 3 Ignition Resistance of the 2018 Wildland Urban Interface Code (ICC).

Please notify for final inspection, allow 3 business days to schedule.

The applicant is required to comply with all requirements of federal, state or local authorities having jurisdiction. The Central Lyon County Fire Protection District may revoke any project approvals if the subsequent inspection finds a violation of adopted codes or standards, inaccurate representation or construction that varies from the approved application. An approved and stamped copy of plans shall remain on the job site while the work is being performed.

A Certificate of Occupancy covering non-structural fire and life safety items to allow occupancy will only be granted by the Central Lyon County Fire Protection District following inspection by the district. Please provide at least 3 business days’ notice for all inspection requests, including any cover up inspections or acceptance inspections as related to fire code.

Please submit an electronic version of “as built” plans within 30 days of job completion. If any changes should occur to drawings, please supply CLCFPD with revised plans for review of changes. If any deviation should occur from original plans, please re-submit an electronic copy of “as built” plans within 30 days of project completion.
Google Earth view from Pike Street showing the existing detached single family residential dwelling unit and detached accessory buildings.
APN 006-052-02/155 Pike Street
John & Ann Miles Family Trust

Google Earth view from Pike Street showing the existing detached single family residential dwelling unit and detached accessory buildings.
Burgundy

Tree line Green
Community Development Department

Miles Garage

CUP

PLZ-2022-189

Board of County Commissioners

February 2, 2023
Comstock Historical District – Dayton Area
155 Pike Street, west of Highway 50
Comstock Historical District – Dayton Area
155 Pike Street, west of Highway 50
Google Earth image from Pike Street
Google Earth image from Logan Alley
Zoning and Allowed Uses

### TABLE 15.320-2
**TABLE OF ALLOWED USES - SUBURBAN RESIDENTIAL, MIXED USE AND COMMERCIAL ZONING DISTRICTS**

P = Permitted; C = Conditional use permit required; T = Temporary use permit required; - = Not permitted

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<th>Use Type</th>
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<th>Mixed Use/Commercial</th>
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<td>SR-1/2</td>
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<tr>
<td>Single-family residential</td>
<td>Home based business</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td></td>
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<td>Accessory dwelling unit</td>
<td>P</td>
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<tr>
<td></td>
<td>Single-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

The zoning is C-2 (Title 10) and is subject to CC (Title 15) Development Standards.

Community Commercial
The applicant’s request is to add a 368 sf Detached Garage.

- A CUP is necessary for expansion of a legally existing, non-conforming use.
Preliminary Site Plan

Community Development Department

Planning Building Engineering Code Enforcement Economic Development
Preliminary Elevations
Chapter 15.230.06 of the Lyon County Code list the Findings for staff, the Planning Commission, and the Board of Commissioners to consider when reviewing a Conditional Use Permit.
Findings Highlights

**Finding A:** Consistent with Master Plan goals and policies supportive of historic preservation.

**Finding B:** Compatible with adjacent development and neighborhood character.

**Finding C:** Would not generate vehicular traffic that roadway cannot be accommodate.

**Finding D:** Would not impact traffic flow.

**Finding E:** Size and location ensure no visual or noise impacts to adjacent properties.

**Finding F:** Would comply with all applicable development and building standards.

**Finding G:** Would not be detrimental to public health, safety, and welfare.
Questions?
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number: 19.a

Subject:
For Possible Action: Appoint up to one (1) member to the Mound House Advisory Board, with a term expiring December 31, 2024.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Jeff Trowbridge, Application
Lyon County
Application to Serve on an Advisory Board

Please note that all information contained in this application is considered public record and available for public review.

Check the Board or Commission for which you are applying:

☐ 911 Surcharge Committee
☐ Advisory Board to Manage Wildlife
☐ Animal Control Advisory Board
☐ Central Lyon Park & Recreation Board
☐ Central Lyon Vector Control Board
☐ Dayton Regional Advisory Board
☐ Dayton Valley Events Center Board
☐ Debt Management Commission
☐ Library Board of Trustees
☐ Lyon County Fair Board
☐ Mason Valley Advisory Board
☐ Mound House Mosquito Abatement
☐ Mound House Advisory Board
☐ Planning Commission
☐ Regional Transportation Board
☐ Room Tax Board
☐ Silver City Cemetery Board
☐ Silver City Advisory Board
☐ Silver Springs Advisory Board
☐ Smith Valley Advisory Board
☐ Smith Valley Park & Recreation Board
☐ Stagecoach Advisory Board
☐ Walker River Weed Control Board

Contact Information:

Name: Jeff Trowbridge

Address: 190 Linehan Rd, Mound House, NV 89706

Phone: 818-277-7615 Email: jltrowbridge74@gmail.com

How long have you been a resident of Lyon County? 8 years

How many board or commission meetings have you attended in the last year? 12 in

List boards or commissions you presently serve on or have served on in the past including dates of service:
I have attended almost every board meeting since we moved here in 2015. My wife Lori is on the board and I always actively participate.
I was a board member of my kids Jr All American Football League for 8 years.
Education and/or training relevant to the position you are applying for:
I was a board member of my kids Jr All American Football League for 8 years.

Explain briefly why you would like to be appointed to this board or commission:
I attend and actively participate in all of the board meetings already. I enjoy being involved and volunteering in my community. If spouses are allowed to be on the same board I am happy to offer my services in this position as well.

I certify that, to the best of my knowledge, the information I provided in this application is true. If the information provided is false or incomplete, it shall be sufficient cause for disqualification or removal, if appointed. I acknowledge that, if appointed, I am required to: timely attend all mandatory training (including training that is a condition to being sworn in); comply with applicable record keeping requirements; and otherwise adhere to the handbook, policies, and laws by which I am bound. I am aware that failure to do so is grounds for removal from the advisory board.

Signature: ___________________________ Date: 1-12-23

Notice:
At the meeting to consider your application for appointment, the Board or Commission, may consider your character, alleged misconduct, professional competence, or physical or mental health. This notice is provided pursuant to NRS 241.031 and 241.033. The topics of discussion will relate to your ability to serve in the position for which you have applied. If the Advisory Board of County Commission desires to close the meeting, they must allow you to: (a) attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered; (b) have an attorney or other representative of the person’s choosing present with the person during the closed meeting; and (c) present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting. You will not receive any additional notice, and by signing this application you hereby agree to waive any right to future notice pursuant to NRS Chapter 241.

Signature: ___________________________ Date: 1-12-23

Please return the application to:
Lyon County Manager’s Office
ATTN: Erin Lopez
27 South Main Street
Yerington, Nevada 89447
Office: (775)463-6531; Fax: (775)463-6500

Via email: elopez@lyon-county.org
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
20.a

Subject:
For Presentation Only: Presentation and update from Northern Nevada Development Authority.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •
NNDA Team

Jeff Sutich, MBA
Executive Director

Tatjana Vukovic
Deputy Director

Amy Barnes
Director of Business Development

Evelyn Wheeler
Office Manager
Vision & Mission

- **VISION**: A Prosperous, Resilient and Sustainable Economy for Northern Nevada

- **MISSION**: To influence, facilitate and support the ongoing growth and prosperity of the economic ecosystem of the Sierra Region of Nevada

- The connector and problem solver between the Sierra Region’s business communities, government, and the many resources to support business growth
Sierra Region of Nevada

Encompasses 5 counties:
- Carson City
- Douglas County
- Lyon County
- Mineral County
- Storey County

Land mass: 7,009 mi² (18,153 km²)
3rd largest metropolitan area in Nevada
Regional Approach to Economic Development - pooling resources to achieve more effective economic impact for both the region and each individual county:
Location Assistance & Expansion Efforts 2018 - 2022

- Assisted Companies: 30
  - New companies: 20
  - Expanding companies: 10

- Number of direct jobs: 1,092
- Average Wage: $30.45
- Capital Investment: $493.2 Million
Location Assistance & Expansion Efforts 2018 - 2022

- Assisted Companies: 12
  - New companies: 10
  - Expanding companies: 2

- Number of direct jobs: 541
- Average Wage: $33.54
- Capital Investment: $121.6 million
Companies NNDA provided assistance in Lyon County
NNDA Participation in Monthly County Manager Meetings:

- Communicate the economic development projects in the county (2023)
- Understand the County’s needs and direction to better serve the goals of the County

NNDA Support to Lyon County Community Development:

- **Mainstreet Program** - ongoing support for the City of Fernley Main Street program
- **CDBG Program** - assisting Lyon County with the CDBG-funded Walker River Corridor Economic Development Plan
- **USDA Rural Partners Network** - NNDA is the host for the USDA Rural Partners Network that covers Lyon and Mineral Counties.
NNDA works closely with DETR and WNC:

- NNDA included DETR in grant communications that were awarded to Western Ceramics Co. that creates a lithium industrial workforce training program at WNC.
NNDA supports and facilitating infrastructure enhancement to meet business needs:

- Signed multiple support letters to the US DOT for a $25 million grant awarded to Mark IV capital and the City of Fernley for a bridge.
- Continued communication with utility providers and industrial developments (Northern Nevada Industrial Center – Silver Springs, Victory Logistics District – Fernley, and Western Nevada Commerce Center – Fernley) to bring needed infrastructure to the region for future industrial growth.
NNDA Programs

Nevada Certified Site Program
- Current inventory: Currently there are 5 sites that are available, 4 of which are in Lyon County.
- NNDA completed 2 Certified Site packages: East Airpark in Dayton & Western Nevada Commerce Center in Fernley

EPA Brownfields Grants
- Lyon-Churchill completed
- 2nd Lyon-Churchill awarded

Opportunity Zones:
- Continuing support of the Sierra Springs Opportunity Zone Fund for the Silver Springs-Stagecoach Opportunity Zone.
- Also supporting the Growth Resources, Assets, Safety, & Stability Opportunity Zone Fund (GRASS) for development of the SAMSARG Field in Fernley.
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
20.b

Subject:
For Possible Action: Approve the Resolution for Lyon County's proposal to exchange real property owned by Lyon County located at 158 Garnet Circle, Mound House, for real property owned by Central Lyon County Fire Protection District located at 56 Red Rock Road, Mound House, all for the purpose of establishing a community center in Mound House, and setting date for a public hearing on the proposed property exchange.

Summary:
Central Lyon County Fire Protection District has agreed to exchange property located in Mound House with Lyon County so that Lyon County can establish a community center at the property now owned by CLCFPD located at 56 Red Rock Road in Mound House. NRS 277.050 provides that the county can exchange property with another governmental entity. The County must approve a resolution at least 2 weeks before holds a public hearing at which time the public can be heard regarding the proposed exchange. This is the first step in the process. CLCFPD needs to go through a similar process for transferring the property to Lyon County.

It is anticipated that the public hearing will be held at the BOCC meeting March 2, 2023.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve the Resolution and direct publication for the public hearing as required by NRS 277.050

ATTACHMENTS
- Intent to Exchange Property Mound House Community Center Resolution
- NRS 277.050
- Notice of Intent to Exchange Property
RESOLUTION DECLARING THE INTENT OF LYON COUNTY TO TRANSFER OWNERSHIP OF REAL PROPERTY BETWEEN LYON COUNTY AND THE CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT FOR PURPOSES OF ESTABLISHING A NEW COMMUNITY CENTER IN MOUND HOUSE.

THE REAL PROPERTY PROPOSED TO BE EXCHANGED IS REAL PROPERTY WITHIN MOUND HOUSE, COUNTY OF LYON, OWNED BY LYON COUNTY AND LOCATED AT 158 GARNET CIRCLE AND OWNED BY CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT LOCATED AT 56 RED ROCK ROAD

WHEREAS, Lyon County and the Central Lyon County Fire Protection District are both political subdivisions of the State of Nevada, governed by separate boards, laws and regulations; and

WHEREAS, NRS 277.050 provides that a political subdivision of the State of Nevada may sell or exchange its real property to another public agency; and

WHEREAS, Central Lyon County Fire Protection District owns property located at 56 Red Rock Road, Mound House, that is in a desirable location for a Community Center for the Mound House Community; and

WHEREAS, Lyon County owns property located at 158 Garnet Circle, Mound House, that the Fire District could use for future operations of the fire service; and

WHEREAS, NRS 277.050 requires that before ordering the sale or exchange of such property, the Lyon County Board of Commissioners shall, in a regularly scheduled open meeting, by majority vote, adopt a resolution declaring its intent to transfer ownership of said property, describe said property, specify the consideration, fix a time at which objections to the sale or exchange may be made by the public, and give published notice of the adoption of the resolution.

NOW, THEREFORE BE IT RESOLVED that the Lyon County Board of County Commissioners intends to approve the exchange of real property with the Central Lyon County Fire Protection District. Lyon County will transfer the real property located at 158 Garnet Circle, Mound House (APN 016-221-40) to the Central Lyon County Fire Protection District and the Central Lyon County Fire Protection District will transfer real property located at 56 Red Rock Road, Mound House (APN 016-233-06).

BE IT FURTHER RESOLVED that the exchange is without any further consideration or payment by either Lyon County or the Fire District.

BE IT FURTHER RESOLVED that the Board of Lyon County Commissioner, by vote taken on __________, 2023, adopted this resolution and that objections to the sale or exchange will be heard at the regularly scheduled meeting of the Board of County Commissioners on _________________________, 2023.
BE IT FURTHER RESOLVED that the notice of the adoption of this resolution will be published in a newspaper of general circulation published in Lyon County on two successive days not less than seven days before ___________________, 2023.

PASSED, ADOPTED and APPROVED this _____ day of __________________________, 2023, by the following vote of the Lyon County Board of Commissioners.

AYES: _____________________________________________________

NAYS:____________________________________________________

ABSENT:__________________________________________________

ABSTENTIONS:____________________________________________

LYON COUNTY BOARD OF COMMISSIONERS

__________________________________________________________
By: Chairman

Attest:

________________________

Clerk of the Board
RESOLUTION NO. 23-_______

RESOLUTION DECLARING THE INTENT OF LYON COUNTY TO TRANSFER
OWNERSHIP OF REAL PROPERTY BETWEEN LYON COUNTY AND THE
CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT FOR PURPOSES OF
ESTABLISHING A NEW COMMUNITY CENTER IN MOUND HOUSE.

THE REAL PROPERTY PROPOSED TO BE EXCHANGED IS REAL PROPERTY
WITHIN MOUND HOUSE, COUNTY OF LYON, OWNED BY LYON COUNTY
AND LOCATED AT 158 GARNET CIRCLE AND OWNED BY CENTRAL LYON
COUNTY FIRE PROTECTION DISTRICT LOCATED AT 56 RED ROCK ROAD

WHEREAS, Lyon County and the Central Lyon County Fire Protection District
are both political subdivisions of the State of Nevada, governed by separate boards, laws
and regulations; and

WHEREAS, NRS 277.050 provides that a political subdivision of the State of Nevada may sell or exchange its real property to another public agency; and

WHEREAS, Central Lyon County Fire Protection District owns property located
at 56 Red Rock Road, Mound House, that is in a desirable location for a Community
Center for the Mound House Community; and

WHEREAS, Lyon County owns property located at 158 Garnet Circle, Mound
House, that the Fire District could use for future operations of the fire service; and

WHEREAS, NRS 277.050 requires that before ordering the sale or exchange of
such property, the Lyon County Board of Commissioners shall, in a regularly scheduled
open meeting, by majority vote, adopt a resolution declaring its intent to transfer
ownership of said property, describe said property, specify the consideration, fix a time at
which objections to the sale or exchange may be made by the public, and give published
notice of the adoption of the resolution.

NOW, THEREFORE BE IT RESOLVED that the Lyon County Board of County
Commissioners intends to approve the exchange of real property with the Central Lyon
County Fire Protection District. Lyon County will transfer the real property located at
158 Garnet Circle, Mound House (APN 016-221-40) to the Central Lyon County Fire
Protection District and the Central Lyon County Fire Protection District will transfer real
property located at 56 Red Rock Road, Mound House (APN 016-233-06).

BE IT FURTHER RESOLVED that the exchange is without any further
consideration or payment by either Lyon County or the Fire District.

BE IT FURTHER RESOLVED that the Board of Lyon County Commissioners,
by vote taken on the 2nd day of February, 2023, adopted this resolution and that
objections to the sale or exchange will be heard at the regularly scheduled meeting of the
Board of County Commissioners on Thursday, the 2nd day of March, 2023, at the Lyon
County Administrative Complex, 27 S. Main Street, Yerington, Nevada.
BE IT FURTHER RESOLVED that the notice of the adoption of this resolution will be published in a newspaper of general circulation published in Lyon County on two successive days not less than seven days before the 2nd day of March, 2023.

PASSED, ADOPTED and APPROVED this 2nd day of February, 2023, by the following vote of the Lyon County Board of Commissioners.

AYES: __________________________________________

NAYS: __________________________________________

ABSENT: _______________________________________

ABSTENTIONS: __________________________________

LYON COUNTY BOARD OF COMMISSIONERS

______________________________________________

By: Chairman

Attest:

______________________________________________

Clerk of the Board
NRS 277.050 Sale, exchange or lease of real property by public agency: Conditions; procedure.

1. As used in this section, “public agency” includes, without limitation, the United States or a department or agency of the Federal Government, a county, a public corporation and a public district.

2. Without a vote of the electors of a public agency first being had, the governing body of the agency may:
   (a) Sell or exchange to another public agency, the State of Nevada or a department or agency of the State or an Indian tribe; or
   (b) Lease to another public agency, the State of Nevada or a department or agency of the State or an Indian tribe, for a term not exceeding 99 years, any real property belonging to it.

3. A sale or exchange may be:
   (a) Negotiated without advertising for public bids.
   (b) Made for cash or property, or for part cash and property, or for part cash and terms of deferred payments secured by mortgage or deed of trust, but the purchasing public agency or entity or exchanging public agencies or entities shall, except as otherwise provided in NRS 277.053, pay or convey property worth an amount at least equal to the current appraised value of the real property being conveyed or exchanged. Money derived from a sale must be used for capital outlay.

4. A lease may be:
   (a) Negotiated without advertising for public bids.
   (b) Made for such consideration as is authorized by action of the governing body of the lessor public agency.

5. Before ordering the sale, exchange or lease of any such property, the governing body of a public agency shall, in a regular open meeting, by a majority vote of its members, adopt a resolution declaring its intention to sell or exchange it, or a resolution declaring its intention to lease it, as the case may be. The resolution must:
   (a) Describe the property proposed to be sold, exchanged or leased in such a manner as to identify it.
   (b) Specify the minimum price, consideration or rent and the terms upon which it will be sold, exchanged or leased.
   (c) Fix a time not less than 2 weeks thereafter for a public meeting of the governing body, at which objections to the sale, exchange or lease may be made by the electors of the public agency.

6. Notice of the adoption of the resolution and of the time and place of the public meeting must be published in a newspaper of general circulation published in the county in which the public agency or any part thereof is situated. The notice must be published not less than twice, on successive days, the last publication to be not less than 7 days before the date of the public meeting.

7. Any resolution accepting a bid or any other form of acceptance of a bid by another public agency must direct the chair, president or other presiding officer of the governing body of the selling, exchanging or lessor public agency to execute a deed or lease and to deliver it to the purchasing, exchanging or lessee public agency or entity upon the performance and compliance by it of all the terms and conditions of the contract to be performed concurrently with the delivery.

NRS 277.053 Real property to be used for public purpose: Conveyance of such property by one political subdivision to State, state agency, another political subdivision or Indian tribe without charge. A governing body of a political subdivision may convey real property to the State, any agency of the State, another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose.

(Added to NRS by 1981, 376; A 1999, 1161; 2007, 2837)
NOTICE OF ADOPTION OF RESOLUTION OF THE BOARD OF LYON COUNTY COMMISSIONERS STATING ITS INTENT TO EXCHANGE REAL PROPERTY WITH THE CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Lyon County, Nevada (the “Board”) has adopted a Resolution of Intent to exchange real property with Central Lyon County Fire Protection District for the purposes of establishing a Community Center in Mound House. In the Resolution, the Board declares its intention to exchange the real property owned by Lyon County, located at 158 Garnet Circle, Mound House, Nevada (APN 016-221-40), for the real property owned by Central Lyon County Fire Protection District, located at 56 Red Rock Road, Mound House, Nevada (APN 016-233-06). The exchange is proposed to be made without any additional compensation or consideration by the Fire District or Lyon County. The property will be used for a public purpose.

Pursuant to NRS 277.050, a governing body of a political subdivision may exchange real property to another governmental entity without advertising for public bids on such terms as authorized by the Board after holding a public hearing at which objections by the public may be heard.

The Board has set the public hearing for any objections to the property exchange for Thursday, the _____ day of ______________, 2023, in the Commission Chambers at the Lyon County Administrative Complex, 27 South Main Street, Yerington NV 89447.

The Resolution are available for review at the Lyon County Administrative Complex, at 27 South Main Street, Yerington NV 89447, or on Lyon County’s website at:

DATED this ____ day of ___________, 2023
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
20.c

Subject:
For Possible Action: Approve a novation agreement to migrate the master services agreement and task orders from Farr West Engineering to DOWL Engineering.

Summary:
Farr West Engineering merged with DOWL Engineering, the combined company retained the DOWL name. This agreement migrates the master services agreement and the task orders for the Community Development Department, Utilities Department and the Roads Department to DOWL.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Farr West Novation Agreement
Assignment, Novation and Consent Agreement

FARR WEST ENGINEERING (Transferor), a corporation duly organized and existing under the laws of the State of Nevada with its principal office in Reno; DOWL LLC (Transferee), a LLC duly organized and existing under the laws of the State of Delaware and registered in Nevada as a Foreign Limited Liability Company, with its principal office in Redmond, Washington, and a satellite office in Reno, Nevada; and the Lyon County (County) enter into this Agreement as of the 1st day of January, 2023.

RECITALS

Whereas, County has entered into certain contracts with FARR WEST ENGINEERING, the Transferor, namely: engineering and services contracts, including:

- Master Services Agreement – Agreement between owner and Engineer for Professional Services
- Task Order 130: Rolling A WWTP Sludge Pond Decommissioning Permit
- Task Order 129: Dayton Valley Drainage Guidelines
- Task Order 128: Water Rights Services for FY 2023
- Task Order 126: GIS Services for Fiscal Year 2023
- Task Order 125: Sheep Camp Detention Dam Evaluation
- Task Order 123: SSGID-Effluent Disposal Preliminary Engineering Report
- Task Order 122: Dayton Sewer Hydraulic Model Development
- Task Order 121: 2022 Dayton Valley Water Model Update
- Task Order 119: Copper Canyon 14-inch Water Main Evaluation
- Task Order 118: Aspen Creek Rapid Infiltration Basins – Construction Administration
- Task Order 117: Lift Station #2 Replacement – Construction Administration
- Task Order 116: Rolling A WWTF Phase 4 Expansion Project – Construction Administration
- Task Order 109: 10-Mile Hill Tank Project
- Task Order 107 (Amendment 1): Upper Dayton Tank and Lower Dayton Tank Rehabilitation
- Task Order 105 (Amendment 1): Highway 50 Utility Right-of-Way Project
- Fairgrounds Paving
- Preliminary Engineering Reports for Ramsey Weeks and Miller Lane/Aiazzi Road Projects

The term “the contracts,” as used in this Agreement, means the above contracts and purchase orders and all other contracts and purchase orders, including all modifications, made between the County and the Transferor before the effective date of this Agreement (whether or not performance and payment have been completed and releases executed if the County or the Transferor has any remaining rights, duties, or obligations under these contracts and purchase orders). Included in the term “the contracts” are also all modifications made under the terms and conditions of these contracts and purchase orders between the County and the Transferee, on or
after the effective date of this Agreement.

As of January 1, 2023, the Transferor has transferred to the Transferee all the assets of the Transferor by virtue of a transition to effectively merge between the Transferor and the Transferee.

Whereas, the Transferee has acquired all the assets of the Transferor by virtue of the above transfer.

Whereas, the Transferee has assumed all obligations and liabilities of the Transferor under the contracts by virtue of the above transfer.

Whereas, the Transferee is in a position to fully perform all obligations that may exist under the contracts.

Whereas, it is consistent with the County’s interest to recognize the Transferee as the successor party to the contracts.

Whereas, evidence of the above transfer has been received by the County.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. The Transferor confirms the transfer to the Transferee, and waives any claims and rights against the County that it now has or may have in the future in connection with the contracts.

2. The Transferee agrees to be bound by and to perform each contract in accordance with the terms and conditions contained in the contracts. The Transferee also assumes all obligations and liabilities of, and all claims against, the Transferor under the contracts as if the Transferee were the original party to the contracts.

3. The Transferee ratifies all previous actions taken by the Transferor with respect to the contracts, with the same force and effect as if the action had been taken by the Transferee.

4. The County recognizes the Transferee as the Transferor’s successor in interest in and to the contracts. The Transferee by this Agreement becomes entitled to all rights, titles, and interests of the Transferor in and to the contracts as if the Transferee were the original party to the contracts. Following the effective date of this Agreement, the term “Contractor,” as used in the contracts, shall refer to the Transferee.

5. Except as expressly provided in this Agreement, nothing in it shall be construed as a waiver of any rights of the County against the Transferor or Transferee.

6. All payments and reimbursements previously made by the County to the Transferor, and all other previous actions taken by the County under the contracts, shall be considered to have discharged those parts of the County’s obligations under the contracts. All payments and reimbursements made by the County after the date of this Agreement in the name
of or to the Transferor shall have the same force and effect as if made to the Transferee, and shall constitute a complete discharge of the County’s obligations under the contracts, to the extent of the amounts paid or reimbursed.

7. The Transferor and the Transferee agree that the County is not obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any related increases, directly or indirectly arising out of or resulting from the transfer or this Agreement.

8. The Transferor guarantees payment of all liabilities and the performance of all obligations that the Transferee:
   (i) Assumes under this Agreement; or
   (ii) May undertake in the future should these contracts be modified under their terms and conditions. The Transferor waives notice of, and consents to, any such future modifications.

9. The contracts shall remain in full force and effect, except as modified by this Agreement.

10. Public Records. Pursuant to NRS 239.010, information or documents regarding the services provided under this Agreement may be open to public inspection and copying. The City will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

11. Governing Law; Venue. This Agreement will be interpreted, and the rights and liabilities of the Parties determined, in accordance with the laws of the State of Nevada, excluding its conflict of laws rules. In any action or proceeding arising under this Agreement, each Party to this Agreement hereby (a) consents to the jurisdiction of the Nevada Courts, and of the pertinent appellate courts, and consents to the venue of such action or proceeding in such courts, (b) irrevocably agrees that all actions or proceedings arising out of or relating to this Agreement shall be litigated in such courts, and (c) consents to personal jurisdiction within Lyon County, Nevada. Each Party to this Agreement accepts for itself, generally and unconditionally, the exclusive jurisdiction and venue of the aforesaid courts and waives any defense of lack of personal jurisdiction, improper venue or inconvenient forum or any similar defense, and irrevocably agrees to be bound by any non-appealable judgement rendered thereby in connection with this Agreement.

12. Notices. All written notices under this Agreement shall be delivered to the following officials at the addresses stated:

Lyon County:
Andrew Haskin
County Manager
27 S Main Street
Yerington, NV 89447
ahaskin@lyon-county.org
(775)463-6531

With copy to:

David Bruketta
Utilities Director
Lyon County Utilities
34 Lakes Blvd.
Dayton, NV 89403
dbruketta@lyon-county.org
(775)246-6620 ext. 3

DOWL, LLC:

DOWL, LLC
Attn: __________________
_______________________
_______________________
_______________________

13. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and by so doing bind their respective entities as set forth herein. Transferor and Transferee acknowledge that as required by statute or regulation this Agreement is effective only after approval by the County Board of Commissioners.

Each party has executed this Agreement.

WITNESS our hands this ___ day of January, 2023.

LYON COUNTY

_______________________
By: Chairman, Board of County Commissioners

Attest:

_______________________
CLERK
DATED this _____ day of January, 2023.

FARR WEST ENGINEERING, a Nevada Corporation

________________________
By: Brent Farr
Its: President

DATED this _____ day of January, 2023.

DOWL, LLC, a Foreign Limited Liability Company

________________________
By: _________________
Its: _________________
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
20.d

Subject:
For Possible Action: Approve, deny or amend a Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-02.

Summary:
January 9th, 2023 the BOCC approved Resolution 23-02 Declaring an Emergency in response to severe weather event/flooding. Lyon County was being threatened by a series of severe weather events with possible flooding that has the potential to destroy significant amounts of property and threaten the lives of Lyon County residents. This Resolution ends the Declaration for Lyon County.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Resolution 23-03 Terminating Declaration of Emergency
RESOLUTION NO. 23-03

A Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-02

WHEREAS, the Lyon County Board of Commissioners Declared a State of Emergency in response to severe weather event/flooding.

WHEREAS, Lyon County was being threatened at that time of the Declaration by a series of severe weather events with possible flooding that has the potential to destroy significant amounts of property and threaten the lives of Lyon County residents; and

WHEREAS, the Board of County Commissioners has determined that the purposes for the Declaration of Emergency no longer exist and that the Declaration of Emergency should be revoked and terminated.

THEREFORE LET IT BE RESOLVED that the Lyon County Board of Commissioners is terminating the Declaration of Emergency that was declared in Resolution 23-02, with the termination date of January 17, 2023.

PASSED, ADOPTED and APPROVED this 2nd day of February, 2023 by the following vote of the Lyon County Board of Commissioners.

AYES:

NAYES:

ABSENT:

ABSTENTIONS:

Lyon County Board of Commissioners

________________________________________
Dave Hockaday, Chairman

ATTEST: ________________________________
Staci Lindberg, Lyon County Clerk

RESOLUTION TERMINATING DECLARATION OF EMERGENCY
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
21.a

Subject:
For Possible Action: Acknowledgement of findings of fact and conclusions of law regarding open meeting law complaint
OAG FILE NO.: 13897-420. The opinion from the Attorney General's Office is attached to the supporting materials.

Summary:
An open meeting law complaint was filed against the BOCC relating to an agenda item on legislative matters. The AG issued an opinion on January 16, 2023 finding the BOCC Agenda and action violated the Open Meeting Law. The Opinion includes some recommendations for how to address consideration of legislative items in the future.

The NRS 241.0395 requires the BOCC to acknowledge the Findings of Fact and Conclusions of Law on the next BOCC agenda.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Acknowledge the Findings of Fact and Conclusions of law in the Attorney General opinion date January 16, 2023.

ATTACHMENTS
• - AG Findings of Fact and Conclusions of Law
OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA

In the matter of:
LYON COUNTY BOARD OF COUNTY COMMISSIONERS

OAG FILE NO.: 13897-420

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BACKGROUND

Anthony G. Stephenson, on behalf of the Lyon County Democratic Central Committee, filed a complaint with the Office of the Attorney General ("OAG") alleging violations of the Nevada Open Meeting Law ("OML") by the Lyon County Board of County Commissioners ("Board"). Specifically, it was alleged that the Board’s standing agenda item to provide direction to staff regarding legislation and legislative issues violates the OML’s clear and complete statement requirement because the Board did not indicate the specific piece of legislation on which the Board would provide direction. This, in turn, resulted in the public being uninformed of such Board deliberation and unable to provide comment prior to the Board instructing staff to take positions on legislation.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation of the Complaint included a review of the following:

1. The Complaint;
2. The response filed on behalf of the Board and all attachments thereto; and

After investigating the Complaint, the OAG determines that the Board violated the OML’s clear and complete standard for failing to include reference to the specific legislation or legislative topics or issues upon which the Board took an affirmative position, thereby

Page 1 of 7
failing to provide notice to members of the public of the topics considered during the meeting.

FINDINGS OF FACT


2. As part of each of the three aforementioned meetings, the Board placed on its Agenda the following item:

For Possible Action: Discussion and direction to staff and Legislative Coalition Members regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Lyon County as may be deemed appropriate by the Board of County Commissioners.¹

3. The Complaint asserts that during the aforementioned meetings, the Board did not identify which specific pieces of legislation and/or issues the Board would be discussing, resulting in the public having no way of knowing upon which legislation the Board would take action.

4. Specifically, the Complaint asserts that with regards to the Board’s March 4, 2021, meeting, the Board discussed the Governor’s Innovation Zone and ultimately authorized the Board Chair to sign a letter to be sent to the Governor’s Legislative Delegation opposing the same. The Board also discussed and approved sending a letter opposing a bill related to Tiny Homes, Bill No. 150.

5. Similarly, the Complaint asserts that during the Board’s March 18, 2021, meeting, the Board discussed and voted to oppose Assembly Bill 286 in its entirety.

6. Lastly, the Complaint asserts that during the Board’s May 20, 2021, meeting, the Board discussed provisions in Assembly Bill 286 that were removed and inserted into Senate Bill 452. The Board instructed its County Manager to draft letters to send to the legislature.

¹ See Agenda Item 18.c. on the March 4, 2021, Agenda; Agenda Item 17.b. on the March 18, 2021, Agenda; and Agenda Item 18.b. on the May 20, 2021, Agenda.
LEGAL STANDARDS AND CONCLUSIONS OF LAW

The Lyon County Board of County Commissioners is a “public body” as defined in NRS 241.015(4) and is subject to the OML.

An agenda for a meeting of a public body must include a “clear and complete statement of the topics to be considered during the meeting.” NRS 241.020(2)(d)(1). The “clear and complete statement” requirement of the OML stems from the Legislature’s belief that “incomplete and poorly written agendas deprive citizens of their right to take part in government’ and interferes with the ‘press’ ability to report the actions of government.” Sandoval v. Bd. Of Regents of Univ., 119 Nev. 148, 154 (2003). Strict adherence with the “clear and complete” standard for agenda items is required for compliance under the OML. Id. The OML “seeks to give the public clear notice of the topics to be discussed at public meetings so that the public can attend a meeting when an issue of interest will be discussed.” Id. at 155. Further, “a ‘higher degree of specificity is needed when the subject to be debated is of special or significant interest to the public.” Id. at 155-56. (quoting Gardner v. Herring, 21 S.W.3d 767, 773 (Tex. App. 2000)).

The Nevada Supreme Court previously dealt with the issue of whether a public body’s agenda violated the clear and complete standard for failing to list specific legislation it intended to discuss and take action upon at its meetings. See Schmidt v. Washoe County, 123 Nev. 128, 159 P.3d 1099 (2007). In Schmidt, a member of the public complained that the Washoe County Board of Commissioners (“WCBC”) improperly decided to support one legislative bill and oppose another without providing proper notice. There, the agenda item in question provided, “Legislative Update—this item may be discussed at Monday’s Caucus Meeting and/or Tuesday’s Board Meeting and may involve discussion by [WCBC] and direction to staff on various bill draft requests (BDRs).” Id. The agenda noted interested parties could obtain a list of specific bills upon which staff would seek direction from the public body on its website, and the public body pledged to post the list of bills at the County Manager’s Office and at other locations where the agenda was posted. Id. While the Supreme Court indicated its decision was a “close call”, the Supreme Court found that the
WCBC met the clear and complete standard as a matter of law because: (1) it had listed an item on its agenda for discussion of certain BDRs, and (2) because it provided a list of the specific BDRs in question on its website before the meeting. *Id.* Accordingly, the Supreme Court found that the WCBC provided reasonable notice to members of the public in compliance with the OML.

In this case, similar to the agenda item in *Schmidt*, the Board’s March 4, 2021, March 18, 2021, and May 20, 2021, provided:

For Possible Action: Discussion and direction to staff and Legislative Coalition Members regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Lyon County as may be deemed appropriate by the Board of County Commissioners.

However, unlike in *Schmidt*, the Board in the instant matter did not provide a list of specific pieces of legislation on which it intended to take a position either in the agenda or on a separate list referenced in the agenda accessible to the public. Rather, the Board maintained a general and blanket agenda item that it may discuss and direct staff regarding “legislation or legislative issues” that had a potential impact on Lyon County. This general language is insufficient to comport with the OML’s clear and complete standard, especially in light of the fact that the Board not only discussed certain legislation, but also took action related to the same.

The OAG is cognizant that the Nevada Legislature is exempt from the OML, including the three-working-day notice requirement for meetings. The OAG is also aware that the pace of the legislative session is variable and proposed amendments to legislation may occur at a pace that does not allow a public body to consider and opine on each and every proposed amendment or bill draft requests. To that end, the OAG previously issued guidance during the 2021 Legislative Session noting that hearing scheduling or requests from the Legislature generally do not qualify as an emergency under NRS 241.020(11) allowing for a public meeting on shorter notice. Thus, public bodies should consider delegating authority to a member or staff member to speak on the public body’s behalf in
advance if they anticipate relevant Legislative hearings may be scheduled. The OAG also recommended that public bodies consider what sort of legislative updates they desired from their staff or delegated members and to schedule their meetings appropriately.

In reviewing the materials provided during the investigation of this matter, the Board did not simply receive a legislative update and engage in discussion on various legislation then-currently pending with the Nevada Legislature that affected Lyon County. Rather, the Board went further and took action to either support or oppose such legislation. Had the Board engaged solely in discussion and provided a general legislative update on the legislation brought up during the meetings, it is possible that a violation would not have occurred. Alternatively, had the Board listed the topics or legislative issues the Board intended to take a position on, a violation may not have occurred. However, based on the documents provided to the OAG, it is apparent that the first time that the public was made aware that the Board planned to deliberate and take action on the specific pieces of legislation was at the respective meetings where the matters were brought up by the County Manager or Board Members. Thus, the public was not afforded an opportunity to determine, prior to the Board taking action on the specific legislation, whether it was an issue of interest that warranted their attendance and participation. Accordingly, the OAG finds that the Board violated the OML’s clear and complete requirement. Moving forward, the OAG recommends that, to the extent that a public body plans to affirmatively take a position on specific legislation, the public body should list the bill or topic of legislation on its agenda so that the public is aware that possible action may take place. The OAG notes that reference to a specific piece of legislation may not be necessary where the agenda provides sufficient notice regarding the legislative topic or issue that the public body intends to take a position on. Alternatively, a public body may agendize for discussion only a general legislative update if intends only to discuss but not take action on a particular piece of legislation until the item is specifically put on a future agenda.
SUMMARY

Upon investigating the present Complaint, the OAG makes findings of fact and conclusions of law that the Lyon County Board of County Commissioners violated the OML as described above.

If the Attorney General investigates a potential OML violation and makes findings of fact and conclusions of law that a public body has taken action in violation of the OML, "the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law." NRS 241.0395. The public body must treat the opinion of the Attorney General as supporting material for the agenda item(s) in question for the purpose of NRS 241.020. Id. Accordingly, the Board must place an item on its next meeting agenda in which it acknowledges the present Findings of Fact and Conclusions of Law ("Opinion") resulting from the OAG investigating in this matter. The Board must also include this OAG Opinion in the supporting materials for its next meeting.


AARON FORD
Attorney General

By: /s/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General
CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2023, I served the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, CERTIFIED MAIL addressed as follows:

Lyon County Democratic Central Committee
c/o Anthony G. Stephenson
227 Gordon Lane
Dayton, Nevada 89403

Certified Mail No.: 7009 3410 0002 3253 1819

Lyon County Board of County Commissioners
27 S. Main Street
Yerington, Nevada 89447

Certified Mail No.: 7009 3410 0002 3253 1807

Yuliya Davidzenka, Esq.
Deputy District Attorney
Lyon County District Attorney’s Office
31 S. Main Street
Yerington, Nevada 89447
Counsel for Lyon County Board of County Commissioners

Certified Mail No.: 7009 4310 0002 3253 1796

/s/ Debra Turman
An employee of the Office of the
Nevada Attorney General
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: February 2, 2023

Agenda Item Number:
22.a

Subject:
For Possible Action: Approve a line item in the Lyon County Sheriff's Budget to accept and maintain donations to be utilized for the Junior Deputy Program.

Summary:
The Junior Deputy Program will be launched in Dayton High School on April 1st, 2023. Many Citizens are willing to donate money to help the program and expand it. The money raised would be utilized for supplies, uniforms for the participants, program related activities etc.

Financial Department Comments:
The Board accepts all donations under State law. This would set up a donation account to be utilized for the Junior Deputy Program.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve a line item in the Lyon County Sheriff's Budget to accept and maintain donations to be utilized for the Junior Deputy Program.

ATTACHMENTS

•
Agenda Item Number:
23.a

Subject:
For Possible Action: Issue a Notice of Award to Aspen Developers Corporation for being the successful bidder on the 10-mile Hill Tank Project in Dayton, authorize a contract with an amount not to exceed $4,144,000, and authorize the Utilities Director to sign project-related documents. Project funding will come from the Dayton Water Fund. (David Bruketta).

Summary:
The 10-mile Tank Project (PWP LY-2023-007) includes constructing approximately 6,500 linear feet of water transmission main, a one million-gallon water tank, electrical & telemetry, site grading, rock excavation, and a gravel access road to the tank site from Highway 50. On January 17, 2023, a bid opening was held and Aspen Developers Corp., was the apparent low bidder, with a bid price of $4,144,000. Engineers from Dowl reviewed the bid submission and performed a due diligence check and found Aspen Developers Corp., to be Responsive and Responsible and recommends a construction contract award. Three (3) additional contractor's bid on the project: (1) Sierra Nevada Construction with a bid amount of $4,436,007. (2). Q&D Construction with a bid amount of $5,327,000. (3). MKD Construction with a bid amount of $5,692,050. The Engineers' opinion of the probable cost was $5,526,660.

Financial Department Comments:
This was included in the current year budget discussion and will be paid from the Dayton Water Fund.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Move to issue a Notice of Award to Aspen Developers Corporation for being the successful bidder on the 10-mile Hill Tank Project in Dayton, authorize a contract with an amount not to exceed $4,144,000, and authorize the Utilities Director to sign project-related documents.

ATTACHMENTS
- Notice of Award
- Agreement
- Recommendation of Award
NOTICE OF AWARD

Date of Issuance: February 2, 2023

Owner: Lyon County Utilities

Owner's Contract No.: PWP LY-2023-007

Engineer: Farr West Engineering/DOWL

Engineer's Project No.: 1979

Project: 10-Mile Hill Tank Project

Contract Name: 10-Mile Hill Tank Project

Bidder: Aspen Developers Corp.

Bidder’s Address: 2340 East 5th Street, Reno, NV 89512

TO BIDDER:

You are notified that Owner has accepted your Bid dated January 17, 2023, for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

The construction of approximately 6,500 linear feet of 16-inch water transmission main (C900 PVC), 1,000,000-gallon welded steel water tank, electrical & telemetry, site grading, rock excavation, and gravel access road to the tank site from Highway 50.

The Contract Price of the awarded Contract is: $4,144,000.00

☒ Two (2) partially executed counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☐ a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner one (1) counterparts of the Agreement, fully executed by Bidder.

2. Deliver with the executed Agreement(s) the Contract security [e.g., performance and payment bonds] and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.

3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Owner:

Authorized Signature

By: Dave Hockaday

Title: Chair – Board of County Commissioners

Copy: Farr West Engineering/DOWL

EJCDC® C-510, Notice of Award.
Prepared and published 2013 by the Engineers Joint Contract Documents Committee.
Page 1 of 1
THIS AGREEMENT is by and between Lyon County Utilities (“Owner”) and Aspen Developers Corp. (“Contractor”).

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

This project includes the construction of approximately 6,500 linear feet of 16-inch water transmission main (C900 PVC), 1,000,000 gallon welded steel water tank, electrical & telemetry, site grading, rock excavation, and gravel access road to the tank site from Highway 50.

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: 10-Mile Hill Tank.

ARTICLE 3 – ENGINEER

3.01 The Project has been designed by Farr West Engineering/DOWL.

3.02 The Owner has retained Farr West Engineering/DOWL (“Engineer”) to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 Time of the Essence

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Contract Times: Days

A. The Work will be substantially completed within 180 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 210 calendar days after the date when the Contract Times commence to run.

4.03 Liquidated Damages

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the
delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner $1,200 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.

2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner $1,200 for each day that expires after such time until the Work is completed and ready for final payment.

3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

4.04 [Deleted]

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

A. For all Work, at the prices stated in Contractor’s Bid, attached hereto as an exhibit. For all Unit Price Work, an amount equal to the sum of the extended prices (established for each separately identified item of Unit Price Work by multiplying the unit price times the actual quantity of that item)

ARTICLE 6 – PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor’s Applications for Payment on or about the last day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract:

   a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

B. Upon Substantial Completion of the entire construction to be provided under the Contract Documents, Owner shall pay an amount sufficient to increase total payments to Contractor to 95 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer’s estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 Final Payment
A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – INTEREST

7.01 All amounts not paid when due shall bear interest at the rate of 0 percent per annum.

ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor’s safety precautions and programs.
F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

J. Contractor’s entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 Contents

A. The Contract Documents consist of the following:
   1. This Agreement (pages 520-1 to 520-7, inclusive).
   2. Performance bond (pages 610-1 to 610-3, inclusive).
   3. Payment bond (pages 615-1 to 615-3, inclusive).
   4. General Conditions (pages 700-1 to 700-61, inclusive).
   5. Supplementary Conditions (pages 800-1 to 800-12, inclusive).
   7. Drawings (not attached but incorporated by reference) consisting of 36 sheets with each sheet bearing the following general title: 10-Mile Hill Tank Project.
   8. Addenda (numbers 1 to 2, inclusive).
   9. Exhibits to this Agreement (enumerated as follows):
      a. Contractor’s Bid (pages 1 to 42, inclusive).
      b. Notice of Award (pages 510-1 to 510-1, inclusive).
      c. Documentation submitted by Contractor prior to Notice of Award (N/A).
   10. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
       a. Notice to Proceed
       b. Work Change Directives.
       c. Change Orders.
       d. Field Orders.

B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.
ARTICLE 10 – MISCELLANEOUS

10.01 Terms
A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 Assignment of Contract
A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns
A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 Severability
A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 Contractor’s Certifications
A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:

1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;

2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 Other Provisions
A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the
party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or “track changes” (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on **February 2, 2023** (which is the Effective Date of the Contract).

**OWNER:**

By: ________________

Title: ________________

Attest: ________________

Title: ________________

Address for giving notices:

Lyon County Utilities
34 Lakes Boulevard
Dayton, NV 89403

License No.: ________________

---

**CONTRACTOR:**

By: ________________

Title: ________________

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: ________________

Title: ________________

Address for giving notices:

2340 E 5th St
Reno, NV 89512

License No.: ________________
January 19, 2023

David Bruketta
Utilities Director
Lyon County Utilities
34 Lakes Blvd.
Dayton, NV 89403

Re: Recommendation of Award for 10-Mile Hill Tank Project

Dear Mr. Bruketta:

On January 17, 2023, DOWL held a bid opening for the 10-Mile Hill Tank Project on behalf of Lyon County Utilities Department. Bid information was compiled and Aspen Developers Corp. is the apparent low bidder with a bid price of $4,144,000.00. The Engineer’s Opinion of Probable Construction Costs was $5,526,660.00. A total of four (4) bids were received, with the average bid being $4,899,764.

DOWL has evaluated the Aspen Developers Bid and finds that it complies with the prescribed requirements of the Bid Form, and therefore is considered “Responsive”. We have also performed a due diligence check on the company by checking provided references, System for Award Management, Nevada State Contractor’s Board, Secretary of State, and the Labor Commissioner. The references were all positive; the consensus is that Aspen Developers is qualified to perform and complete the work associated with this project. A search with the Contractor’s Board shows no disciplinary action against them and they are within their licensed limits. A search for debarment on the System for Award Management shows no action. A search of the Secretary of State shows that they are in good standing. Lastly, a search of the Labor Commissioner shows no actions, pending or filed, against them.

Aspen Developers has over 15 years of experience in the construction industry and has performed similar projects in the past. Based on a review of their bid and background check, DOWL finds Aspen Developers as being a “Responsible” Bidder and we recommend awarding them the Construction Contract.

I have attached the bid tab for your reference.

If you have any questions or require additional information regarding this letter, please feel free to contact me.

Regards,

Damon McAlister, PE
**Bid Opening Location:** Virtually at DOWL Office  
**Date:** Tuesday, January 17, 2023  
**Time:** 2:00 PM  
**Owner:** Lyon County Utilities Department  
**Engineer:** DOWL  

## Base Bid Total:

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<td>C900 PVC Water Main Pipe 16 In. Diam.</td>
<td>6,420</td>
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<td>Flush Assembly</td>
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<td>1,560</td>
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<td>Tank Site Electrical &amp; SCADA</td>
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<td>1,000,000 Gallon Welded Steel Water Storage Tank</td>
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**Base Bid Total:** $5,526,660.00

**4,144,000.00**

**4,436,087.00**

**5,327,000.00**

**5,692,850.00**

**$4,899,764.25**

**$4,779,765.50**

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**Rank**

- **1st:** Q&D Construction LLC
- **2nd:** Sierra Nevada Construction, Inc.
- **3rd:** MKD Construction, Inc.
- **4th:** Aspen Developers Corp
- **5th:** Atlantic Nevada Construction LLC
- **6th:** Aspen Developers Corp
- **7th:** Sierra Nevada Construction, Inc.
- **8th:** MKD Construction, Inc.
- **9th:** Q&D Construction LLC
- **10th:** Sierra Nevada Construction, Inc.
- **11th:** MKD Construction, Inc.

**Percentage of Engineer's Estimate**

- **1st:** 75%
- **2nd:** 80%
- **3rd:** 96%
- **4th:** 103%
- **5th:** 89%
- **6th:** 86%
- **7th:** 89%
- **8th:** 97%
- **9th:** 95%
- **10th:** 89%
- **11th:** 96%

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**For More Information:**

- Lyon County Utilities Department
- DOWL