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 Thomas Walburn of Sweet Water Christian Fellowship

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 9:30 a.m.: For Possible Action: Presentation and Proclamation declaring April 2023 as Child Abuse Prevention Month in Lyon County, Nevada.

   - Presentation
   - April as Child Abuse Prevention Month Proclamation

7. Presentation of awards and/or recognition of accomplishments

   7.a. For Presentation Only: Present Deputy Derek Daniel with life saving award.

   - Letter of Recommendation

   7.b. For Presentation Only: Express sincerest appreciation to volunteer organizations for their efforts associated with atmospheric river floods and winter weather events.

8. Commissioners/County Manager reports

9. Elected Official’s reports
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.
   - Unsecured Factual

13. For Possible Action: Approve County Commission Minutes

13.a. For Possible Action: Approve the March 10, 2023 Emergency Meeting minutes.
   - March 10, 2023 Emergency Meeting Minutes

13.b. For Possible Action: Approve the March 16, 2023 Minutes.
   - March 16, 2023 Minutes

14. Contracts

14.a. For Possible Action: Approve Contract for Ledezma-Aguilar Garden Services for the amount of $800.00 per month. This is for the maintenance of the medians on Dayton Valley Rd. Authorize the County Manager to sign Documents.
   - Dayton Valley Rd Median Proposal 2023

14.b. For possible Action: Approve to go out to bid for the 2023 RTC Project in the Stagecoach and Silver Springs area for chip sealing, fog sealing, crack sealing and approve the proposals from Dowl for bid preparations, bidding and construction management.
   - Dowl Task Order
   - 2023 CHIPSEAL-SLURRY PROJECT STG-SS

15. Grants

15.a. For Possible Action: Accept grant award amendment from State of Nevada Department of Health and Human Services, Account for Family Planning Grants Management Unit, redirecting $6,204.00 from “Other” to “Training” to provide Family Planning Health Worker training and certification
   - FY22 Family Planning Services Grant Amendment 2

15.b. For Possible Action: Accept grant award from Aging and Disability Services Division (ADSD), State of Nevada, for FY2023 Nutrition Services Incentive Program (NSIP) in the amount of $57,788.00.
   - FY23 Nutrition Services Incentive Program Grant Award
15.c. For Possible Action: Accept the Notice of Subgrant Award Amendment from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, for SFY2023, to increase funding in the amount of $43,926.13 for a total of $152,224.13 and extend the grant period to an ending date of December 31, 2023.
   - FY23 American Rescue Plan Act Grant Amendment 3

15.d. For Possible Action: Approve the Authorizing Resolution allowing the Director of Lyon County Human Services to apply for Nevada Department of Transportation grant funding to aid in the financing of capital and operating assistance projects.
   - Nevada Department of Transportation Authorizing Resolution

16. Other Consent Items

16.a. For Possible Action: Approve the annual Virginia City Hillclimb event for September 16-17th, 2023 (requested by Ferrari Club of America-Pacific Region).
   - Letter of Request

16.b. For Possible Action: Approve a resolution renaming the Silver and Gold Fund to become the Senior Services Fund.
   - Resolution Renaming the Silver and Gold Fund to the Senior Services Fund

16.c. For Possible Action: Review and accept claims and financial reports.
   - Cash Report 3-15-23
   - Claims Report 3-1-23 to 3-15-23

16.d. For Possible Action: Review and accept travel claims.
   - Travel Report 3-1-23 to 3-15-23

**END OF CONSENT AGENDA**

PLANNING CONSENT ITEMS (Action will be taken on all items)

17. Planning Consent Items

17.a. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, located in Dayton, NV.
   - Staff Report and Backup

**END OF PLANNING CONSENT ITEMS**

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

18. Planning

18.a. For Possible Action: To approve the request for a Zoning Map Amendment from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.
   - Staff Report
18.b. For Possible Action: To approve a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

- Continuance Request
- Staff Report
- Backup
- Advisory Board Letter of Transmittal

18.c. For Possible Action: To approve a request to extend the time period in which to record a final subdivision map, or the first in a series of final subdivision maps, by Stan Lucas for the Traditions Village 2 tentative subdivision map, approved on May 2, 2019 for a total area of approximately 101.12 acres, including a maximum of 195 single family residential lots on approximately 75.86 acres plus four (4) Remainder Parcels. The residential lots range in size from 9,000 square feet to over 22,000 square feet. The site is generally located north east of Nevada Station Parkway and north of the US 50/Traditions Parkway intersection in Dayton (APN: 016-406-13) PLZ-18-0013.

- Staff Report
- Backup

**END OF PLANNING APPLICATIONS**

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

19. Commission and Advisory Board

19.a. For Possible Action: Acknowledge resignation from Greg Clausen from the Lyon County Planning Commission.

- Resignation Letter

19.b. For Possible Action: Appoint a member to the Planning Commission, with a term expiring December 31, 2026.

- Report of Planning Items and Current Commissioners
- Clerk Affidavit
- Jeff Le Grand, Application
- Jimmie A. Richards, Application
- Mark Hamilton Jones, Application
- Michael Weiss, Application
- Shannon Ceresola, Application
- Suzanne Armstrong, Application

19.c. For Possible Action: Acknowledge resignation from Darylyn Sinnette-Diffenbaugh from the Animal Control Advisory Board.

- Resignation Letter

19.d. For Possible Action: Appoint a member to the Animal Control Advisory Board, with a term expiring December 31, 2024.

- Amber Nelson, Application

19.e. For Possible Action: Appoint up to two (2) members to the Fair Board, with terms expiring December
For Possible Action: Acknowledge resignation from Margaret "Peggy" Quigg from the Lyon County Library Board of Trustees.
- Resignation Letter

20. County Manager

20.a. For Possible Action: Authorize and select County Commissioners and/or County Manager to attend the 2023 NACo (National Association of Counties) Annual Conference and Exposition in Travis County, Austin Texas July 21-24, 2023, for an approximate cost of $3,500/person. (Requested by Commissioner Hockaday)

20.b. For Possible Action: To discuss and provide direction to the County Manager regarding legislation for the 82nd session of the Nevada Legislature, Legislation includes Senate Bill 421, Senate Bill 432, Senate Bill 338, and Senate Bill 233.
- SB421
- SB432
- SB338
- SB233
- SB 233 Fiscal Note

21. Comptroller

21.a. For Possible Action: Approve critical labor shortage designations for the Building Inspector and Plans Examiner positions.
- Building Inspector and Plans Examiner CLS Findings

22. District Attorney

22.a. For Possible Action: Approve Settlement Agreement to resolve lawsuit filed by Stanley H. Lucas against Lyon County et al related to the Traditions Villages Subdivision, wherein Lyon County waives depreciation payment from Stanley H. Lucas of $200,801.44, and agrees to pay $25,000 to Stanley H. Lucas to resolve all claims with no parties admitting liability, and the county will receive $75,000 to offset the depreciation waiver. The funding for the settlement is paid by the Nevada Public Agency Insurance Pool.
- Settlement Agreement Lucas v. Lyon County

23. Clerk/Treasurer

23.a. For Possible Action: Approve Resolution for County Investment Policy
- LYON COUNTY INVESTMENT POLICY FHN MAIN (Track Changes)
- LYON COUNTY INVESTMENT POLICY FHN MAIN (Final)

24. Other

24.a. For Presentation and Discussion: Presentation and update from the Lyon County Public Administrator Bob Getto.

24.b. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 29.9459-
acre feet of Lyon County Fairgrounds, Inc. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.
- Stored Water Program Fairgrounds Application
- Walker River Irrigation District Stored Water Program Participant Agreement (Fairgrounds)

RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

25. Public Participation

26. Contracts

26.a. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 30.89-acre feet of Penrose General Improvement District. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.
- Stored Water Program Penrose GID Application
- Walker River Irrigation District Stored Water Program Participant Agreement (Penrose General Improvement District)

27. Reports

27.a. For Possible Action: Review and accept claims and financial reports.
- Cash Report 3-15-23
- Claims Report 3-1-23 to 3-15-23

28. Public Participation

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

29. 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.

30. Commissioner Comments

31. 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.

32. 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.

33. 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 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
Meeting Date: April 6, 2023

Agenda Item Number: 6.a

Subject: Time Certain at 9:30 a.m.: For Possible Action: Presentation and Proclamation declaring April 2023 as Child Abuse Prevention Month in Lyon County, Nevada.

Summary: Presentation by Lyon County Human Services, District Attorney, and Division of Child and Family Services regarding child abuse prevention efforts in Lyon County. Nationally, April has been recognized as Child Abuse Prevention Month. During April, public and private agencies, community organizations, volunteers and concerned citizens unite to highlight the problem of child abuse and to educate the public in methods of prevention. Pinwheels have been identified as the national symbol for Child Abuse Prevention for its childlike notions and a physical reminder of the great childhoods wanted for all children. Child abuse is a community concern. No one profession or single agency alone can strengthen and support families and therefore protect children from harm. Prevention of child abuse requires a community effort – federal, state, and local governments, as well as community service providers, teachers, businesses, health care professionals, clergy, families, friends, and neighbors – to work together to protect children and support the well-being of families. Lyon County Human Services’ (LCHS) is participating in this awareness and prevention campaign to educate the community about child abuse prevention through the Pinwheels for Prevention campaign. LCHS will be providing promotional pinwheel displays to community partners for awareness, and as a reminder of their involvement in the prevention of child abuse. LCHS will also be planting pinwheel gardens in the local community to serve as a reminder to the public that April is Child Abuse Prevention Month.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation: Approve a proclamation declaring April 2023 as Child Abuse Prevention Month in Lyon County, Nevada.

ATTACHMENTS
- Presentation
- April as Child Abuse Prevention Month Proclamation
Child Abuse Prevention

Lyon County 2023
Nationally, April has been recognized as Child Abuse Prevention Month

• During April, public and private agencies, community organizations, volunteers and concerned citizens unite to highlight the problem of child abuse and to educate the public in methods of prevention.

• Child abuse is a community concern.

• No one profession or single agency alone can strengthen and support families and therefore protect children from harm.

• Requires a community effort to work together to protect children and support the well-being of families.
## The Scope of the Child Abuse Issue

### Rural Region Youth Entering Foster Care in SFY2022

<table>
<thead>
<tr>
<th>Removal Reason SFY2022</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglect</td>
<td>128</td>
<td>61.2%</td>
</tr>
<tr>
<td>Parental Drug Abuse</td>
<td>77</td>
<td>36.8%</td>
</tr>
<tr>
<td>Parental Meth Use</td>
<td>44</td>
<td>21.1%</td>
</tr>
<tr>
<td>Incarceration of Parent(s)</td>
<td>42</td>
<td>20.1%</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>28</td>
<td>13.4%</td>
</tr>
<tr>
<td>Abandonment</td>
<td>28</td>
<td>13.4%</td>
</tr>
<tr>
<td>Parental Alcohol Abuse</td>
<td>27</td>
<td>12.9%</td>
</tr>
<tr>
<td>Inadequate Housing</td>
<td>27</td>
<td>12.9%</td>
</tr>
<tr>
<td>Homeless</td>
<td>18</td>
<td>8.6%</td>
</tr>
<tr>
<td>Physical Abuse</td>
<td>18</td>
<td>8.6%</td>
</tr>
<tr>
<td>Parents Opioid Use</td>
<td>13</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

[https://dcfs.nv.gov/uploadedFiles/dcfsnvgov/content/Programs/Data/DCFS_Data_Book_ADA_for_December_2022.pdf](https://dcfs.nv.gov/uploadedFiles/dcfsnvgov/content/Programs/Data/DCFS_Data_Book_ADA_for_December_2022.pdf)
Adverse Childhood Experiences (ACEs)

**ABUSE**
- Physical
- Emotional
- Sexual

**NEGLECT**
- Physical
- Emotional

**HOUSEHOLD CHALLENGES**
- Mental Illness
- Divorce
- Parent Treated Violently
- Incarcerated Relative
- Substance Abuse

https://opentextbooks.uregina.ca/nursingmhcc/chapter/15-2-adverse-childhood-experiences/
What Impact Do ACEs Have?

As the number of ACEs increases, so does the risk of negative health outcomes

RISK

Possible Risk Outcomes:

**BEHAVIOR**
- Lack of Physical Activity
- Smoking
- Alcoholism
- Substance Abuse
- Missed Work

**PHYSICAL & MENTAL HEALTH**
- Severe Obesity
- Diabetes
- Depression
- Suicide Threats
- STIs
- Heart Disease
- Cancer
- Stroke
- COPD
- Broken Bones

https://advokids.org/adverse-childhood-experience-study-aces/
Positive Childhood Experiences

- Strengthen families' financial stability
  - Paid time off
  - Child tax credits
  - Flexible and consistent work schedules

- Promote social norms that protect against violence
  - Positive parenting practices
  - Prevention efforts involving men and boys

- Help kids have a good start
  - Early learning programs
  - Affordable preschool and childcare programs

- Teach healthy relationship skills
  - Conflict resolution
  - Negative feeling management
  - Pressure from peers
  - Healthy non-violent dating relationships

- Connect youth with activities and caring adults
  - School or community mentoring programs
  - After-school activities

- Intervene to lessen immediate and long-term harms
  - ACEs education
  - Therapy
  - Family-centered treatment for substance abuse

https://twitter.com/PCAllinois/status/1534948344535744
Children’s Services

- Differential Response
- Family Support Program
- Nevada Families First
- Parent Project
- System of Care
- Women, Infant, and Children (WIC)
- Parenting Classes
- Cribs for Kids
- Car seats
Focus:

- Child Protective Services (CPS) is the first step to ensure the safety and permanency of children who are reported as being abused or neglected.
- The focus of CPS is on protecting the child from harm or risk of harm and to make it safe for the child to live with the parent or caretaker.
- 18 years and younger
- Defined by statute
  - mental injury
  - physical injury
  - sexual abuse and exploitation
  - negligent treatment or
  - maltreatment
  - excessive corporal punishment
DCFS Scope

Nevada Child Protective Service Agencies conduct activities in preventing, investigating, and treating child abuse and neglect through:

• Intake
• Assessment
• Ongoing case management
• Foster care licensing and recruitment
Foster Care In Nevada

• DCFS and Lyon County are in need of foster families
• Children must often be separated or moved outside the county resulting in new schools, removal from friends and other disruption in an already difficult situation
• Placement with family is not always an option
• There are opportunities for short or long-term placements
• “There is no better gift to give a child than a family.”
• -Anonymous
District Attorney’s Office Responsibilities

• Works with DCFS on child protection cases assisting in protecting children and removing them from abusive environments

• Works with the Lyon County Sheriff’s Office and other law enforcement agencies to successfully prosecute child abuse and neglect, child sexual abuse and child exploitation cases and protect children from these offenders
CASA/GAL
Best-Interest Advocacy

LEARN
Learn all you can about the child and his or her family and life.

ENGAGE
Engage with the child during regular visits.

RECOMMEND
Speak up for the child's best interests in court. Make recommendations regarding the child's placement and needed services, and monitor the child's situation until the case is released by the court.

REPORT
Report what you have learned and observed to the court.

COLLABORATE
Collaborate with others to ensure that necessary services are provided and are in the child's best interest.
In 2022, Lyon County CASA served 89 abused and neglected children removed from their homes in Lyon County. During 2022, our volunteers dedicated over 1,900 hours and travelled 8,510 miles advocating for the best interest of these vulnerable children!

Brighter Futures and Stronger Communities

Children who have experienced abuse or neglect fare better with a CASA/GAL volunteer by their side. Studies have shown:

- They are more likely to find a safe, permanent home
- They are more likely to succeed in school
- They are half as likely to re-enter the foster care system
Community Efforts

- Pinwheel displays in community offices
- Pinwheel gardens located in each community (April 7th)
- Coloring contest
- Social media campaign
- Bookmarks
- Collaboration with community providers
- Proclamation

National Child Abuse Prevention Month
THANK YOU
April 1, 2023

WHEREAS, in Federal fiscal year 2021, 3.9 million reports were made to child protective services; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, our children are our most valuable resources and will shape the future of Lyon County; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families; and

WHEREAS, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, the Lyon County Board of Commissioners do hereby proclaim April 2023 as CHILD ABUSE PREVENTION MONTH in Lyon County and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families and to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

____________________________________
Dave Hockaday
Chair, Lyon County Board of Commissioners
PROCLAMATION 23-

April 1, 2023

WHEREAS, in Federal fiscal year 2021, 3.9 million reports were made to child protective services; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

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____________________________________

Dave Hockaday
Chair, Lyon County Board of Commissioners
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
7.a

Subject:
For Presentation Only: Present Deputy Derek Daniel with life saving award.

Summary:
Deputy Derek Daniel administered the life saving drug Narcan. Without his quick thinking and action the victim would've succumbed to an overdose.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
• Letter of Recommendation
To: Sherriff Pope, via Chain of Command

From: Sergeant Shaun Lee

Re: Lifesaving Award Recommendation

On March 8, 2023, at approximately 0633 hours, Deputy DEREK DANIEL and I responded to Dayton, Nevada for a report of a Suicidal Subject. Per dispatch call notes, the subject was a who had taken 30 MG of an opiate medication, was “very unresponsive”, and sounded like she was snoring.

Upon my arrival, Deputy DANIEL had already made contact with who was unresponsive. Deputy DANIEL was unable to locate a pulse multiple times in an effort to revive her; however, it was unsuccessful. Deputy DANIEL then administered one dose of Narcan into right nostril. After the Narcan was administered, consistent with agonal breathing. showed no signs of pupillary reaction to my flashlight and her eyes were rolled backwards. Deputy DANIEL was eventually able to locate a pulse and she started to blink.

Central Lyon County Paramedics arrived on scene and tended to eventually regained full consciousness and was subsequently transported to Carson Tahoe Hospital by medics.

While on scene, Paramedic HARRISON advised that Deputy DANIEL saved life due his actions.

In accordance with Lyon County Sheriff’s Office policy 1016.4, I believe Deputy DANIEL engaged in superior handling of a difficult situation, therefore meeting the criteria of the Lifesaving Medal, as documented in policy 1016.5 (“Awarded to the individual who distinguishes him or herself by performing extraordinary physical acts or renders life saving techniques to aid in the preservation of a human life for more than twenty-four (24) hours”).

It is my recommendation the Deputy DANIEL be considered for the Lifesaving Medal.

Shaun Lee
Sergeant
Lyon County Sheriff's Office
911 Harvey Way
Yerington, NV 89447
(775) 463-6600 ext. 5045
slee@lyon-county.org
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
7.b

Subject:
For Presentation Only: Express sincerest appreciation to volunteer organizations for their efforts associated with atmospheric river floods and winter weather events.

Summary:
Lyon County Board of Commissioners recognizes the following volunteer organizations for their efforts to protect the health and safety of Lyon County residents and their properties during recent atmospheric river floods and winter weather events:

• Lyon County Sheriff’s Office – Volunteers in Policing (VIPs) - dedicated time to staffing the emergency operations call center and followed up with residents to conduct initial damage assessment interviews.
• Lyon County Sheriff’s Search and Rescue (SAR) – filled and placed sandbags in Dayton, Mason Valley and Smith Valley during atmospheric river flood events and staffed the emergency operations call center. SAR also conducted several recovery operations for individuals with vehicles stuck in snow, mud, and other hazardous conditions.
• Team Rubicon - filled and placed 800 sandbags in Yerington / Mason Valley during the moderate flood watch on the Walker River at Mason on 3/14/2023.
• 775 Offroad and Recovery – civilian volunteers utilized their personal vehicles and equipment to rescue dozens of citizens and travelers with vehicles stuck in snow, mud, ditches, and other hazardous conditions.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

•
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
9.a

Subject:
For Report Only: Canal Township Justice Court

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •  - FEBRUARY 2023 FJC STATISTICS
To: Lyon County Commissioners
   Andrew Haskin, Interim County Manager
From: Lori Matheus, Justice of the Peace
Date: March 15, 2023
Subject: February 2023 Statistics for Canal Township Justice Court


**** Please note- the amended civil infraction number for January has been corrected from 8 to 28 for the month of January. ***

If you have any questions, please feel free to contact me.
<table>
<thead>
<tr>
<th>Account</th>
<th>Prior Collections</th>
<th>Collections This Period</th>
<th>Year To Date Collections</th>
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</tbody>
</table>

Totals: 107,075.22 14,584.00 121,659.22

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.

[Signature]

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 - 2023

To Auditor of LYON County, NEVADA
Collecting for Period: 01/31/2023 thru 02/28/2023

<table>
<thead>
<tr>
<th>Account</th>
<th>Prior Collections</th>
<th>Collections This Period</th>
<th>Year To Date Collections</th>
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<tr>
<td>3F DOMESTIC VIOLENCE #(30429)</td>
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<td><strong>Totals:</strong></td>
<td><strong>0.00</strong></td>
<td><strong>0.00</strong></td>
<td><strong>0.00</strong></td>
</tr>
</tbody>
</table>

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: 41

<table>
<thead>
<tr>
<th>Court Fines and Fees</th>
<th>Dollar Amount</th>
<th>Percent of Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dollar amount assessed:</td>
<td>$7,760.00</td>
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<tr>
<td>Dollar amount collected:</td>
<td>$7,409.00</td>
<td>95.48%</td>
</tr>
<tr>
<td>Dollar amount waived/suspended:</td>
<td>$95.00</td>
<td>1.22%</td>
</tr>
<tr>
<td>Dollar amount of jail time served credit given:</td>
<td>$1,480.00</td>
<td>19.07%</td>
</tr>
<tr>
<td>Dollar amount of community service credit given:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total of collections, waived and credited amounts:</td>
<td>$8,984.00</td>
<td>115.97%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Dollars Collected</th>
<th>Percentage Collected</th>
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<tbody>
<tr>
<td>0-30 Days:</td>
<td>$5,050.00</td>
<td>68.16%</td>
</tr>
<tr>
<td>31-60 Days:</td>
<td>$50.00</td>
<td>0.67%</td>
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<tr>
<td>61-90 Days:</td>
<td>$614.00</td>
<td>8.29%</td>
</tr>
<tr>
<td>91-120 Days:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Over 120 Days:</td>
<td>$1,695.00</td>
<td>22.88%</td>
</tr>
<tr>
<td>Total:</td>
<td>$7,409.00</td>
<td>100.00%</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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<tr>
<td>0-30 Days:</td>
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<td>$2,740.00</td>
<td>3.39%</td>
</tr>
<tr>
<td>31-60 Days:</td>
<td>$1,075.00</td>
<td>$965.00</td>
<td>1.19%</td>
</tr>
<tr>
<td>61-90 Days:</td>
<td>$1,445.00</td>
<td>$1,321.00</td>
<td>1.63%</td>
</tr>
<tr>
<td>91-120 Days:</td>
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<td>$1,305.00</td>
<td>1.61%</td>
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<tr>
<td>Over 120 Days:</td>
<td>$83,716.00</td>
<td>$74,517.05</td>
<td>92.17%</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>$80,848.05</strong></td>
<td><strong>$80,848.05</strong></td>
<td><strong>100.00 %</strong></td>
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</tbody>
</table>

Note: The amounts above exclude restitution and bail holding. The percentage is calculated by amount outstanding divided by the grand total of amount outstanding.
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>TOTAL FINES AND FEES COLLECTED</strong></td>
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<tr>
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# CANAL TOWNSHIP JUSTICE COURT
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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
9.b

Subject:
For Report Only: Dayton Justice Court

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
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## Criminal Case Dispositions

**Non-Trial Dispositions**

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To be completed at a later date.
### Criminal Caseload

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

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</tr>
<tr>
<td>Prosecution Request</td>
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</tr>
<tr>
<td>Defendant Request (pro per)</td>
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</tr>
<tr>
<td>Defense Attorney Request</td>
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<td>Other</td>
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<td>Total Prelim Hearing Continuances</td>
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### Trial Continuances

<table>
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<tr>
<th>Continuance</th>
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<tbody>
<tr>
<td>Court Need</td>
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<tr>
<td>Prosecution Request</td>
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<tr>
<td>Defendant Request (pro per)</td>
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<tr>
<td>Defense Attorney Request</td>
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<tr>
<td>Other</td>
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<td>Total Trial Continuances</td>
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Prepared by: [Signature]
Approved by: [Signature]
### Justice/Municipal Court Case Types - Civil (Dictionary, p.25-27)

#### Civil Caseload
(Dictionary p. 29-31)

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Real Property Case</th>
<th>Tort Case</th>
<th>Contract Case</th>
<th>Protection Orders</th>
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<tr>
<td></td>
<td>Landlord/Tenant Case (Summary Eviction)</td>
<td>Unlawful Detainer Complaint (Writs of Restitution)</td>
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#### Summary of Cases

1. **Begin Pending**
   - a. Active
   - b. Inactive

2. **New Filings**
   - 15

3. **Reopened**
   - 0

4. **Reactivated**

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

6. **Placed on Inactive Status**

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

8. **Set for Review**

### Additional Civil Caseload Statistics
(Dictionary, p.28-29)

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Civil Hrs. (Related to an Existing Case)</th>
<th>Jury Trials</th>
<th>Non-Jury (Bench) Trials</th>
<th>Satisfaction of Judgment</th>
<th>Inmate Requests/Files</th>
<th>Contempt and Preliminary Injunctions</th>
<th>Renewal of Judgment</th>
<th>Orders to Seal Records</th>
<th>Sexual Assault Protection Orders</th>
<th>Request for Extended DV Protection Orders</th>
<th>Request for Extended Protection Orders (Non-DV)</th>
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<tr>
<td></td>
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Report generated on: 3/1/2023

Nevada AOC - Research and Statistics Unit

Form RS-310
### Justice/Municipal Court Case Types - Civil (Dictionary, p.25-27)

<table>
<thead>
<tr>
<th>Civil Manner of Disposition</th>
<th>Real Property Case</th>
<th>Tort Case</th>
<th>Contract Case</th>
<th>Protection Orders</th>
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<tr>
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<td>(Summary Exction)</td>
<td>(Defective Writ of Restitution)</td>
<td>(Debt Collection Case)</td>
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<td>Other Real Property Case</td>
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<td>Agency Case</td>
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<td>Other Negligence Case</td>
<td>Intentional</td>
<td>Other Debt Collection Case</td>
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<td>Auto Injury Case</td>
<td>Misconduct Case</td>
<td>Contract Buyer Case</td>
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<td>Personal Injury Case</td>
<td>Other Tort Case</td>
<td>Plaintiff Case</td>
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<td>Motor Vehicle Injury Case</td>
<td>Credit Case</td>
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<td></td>
<td>Slip and Fall Injury Case</td>
<td>Collection Case</td>
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<td>Non-Suit</td>
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<td>Other Civil Matters</td>
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<td>Other Tort Case</td>
<td>Small Claims Case</td>
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<td>Default Judgment</td>
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<tr>
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<td></td>
<td>Motion to Dismiss by the Defendant(s)</td>
<td>Protection Order</td>
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<td>Summary Judgment</td>
<td>Request for Protection Order (Non-DV)</td>
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#### Non-Trial Dispositions

<table>
<thead>
<tr>
<th>Description</th>
<th>Real Property Case</th>
<th>Tort Case</th>
<th>Contract Case</th>
<th>Protection Orders</th>
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<td>Involuntary Dismissal</td>
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</tr>
<tr>
<td>Transferred (before trial)</td>
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<td>Judgment on Arbitration</td>
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<td>Stipulated Judgment</td>
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#### Non-Jury (bench) Trial Dispositions

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<th>Description</th>
<th>Real Property Case</th>
<th>Tort Case</th>
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</tr>
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<tbody>
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#### Jury Trial Dispositions

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<td>Disposed After Trial Start (jury trial)</td>
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<tr>
<td>Verdict Reached</td>
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#### Protection Orders Dispositions

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<thead>
<tr>
<th>Description</th>
<th>Real Property Case</th>
<th>Tort Case</th>
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<tr>
<td>Denied without Hearing</td>
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<tr>
<td>Granted without Hearing</td>
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<tr>
<td>Denied with Hearing</td>
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</tr>
<tr>
<td>Granted with Hearing</td>
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#### Grand Total Dispositions

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<tr>
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<th>Real Property Case</th>
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## Civil High Risk Orders Report

**Court:** DAYTON JUSTICE COURT  
**Court ID:** J031102  
**For Dates Between:** 2/1/2023 And 2/28/2023

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<th>Caseload Worksheet</th>
<th>Disposition Worksheet</th>
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<td>Reopened:</td>
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<tr>
<td></td>
<td>Granted With Hearing: 0</td>
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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 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
• - Unsecured Factual
LYON COUNTY

The Assessor's Office deems the following Unsecured Property accounts to be factual corrections:

<table>
<thead>
<tr>
<th>Acct #</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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<tr>
<td>LY005825</td>
<td>CJS SEALCOATING</td>
<td>OUT OF BUSINESS</td>
<td>22/23</td>
<td>8.2</td>
<td>$29.07</td>
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<tr>
<td>TOTAL:</td>
<td></td>
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<td>$29.07</td>
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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
13.a

Subject:
For Possible Action: Approve the March 10, 2023 Emergency Meeting minutes.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- March 10, 2023 Emergency Meeting Minutes
The Honorable Board of Lyon County Commissioners met this day, Friday March 10, 2023 at 3:10 p.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Chairman David Hockaday


Absent: None

Staff Present: County Manager Andrew Haskin via Zoom and District Attorney Steve Rye

2. Pledge of Allegiance

3. Public Participation

Comm. Hockaday called for public participation, there was none.

4. For Possible Action: Review and adoption of agenda

Comm. Jacobson moved to adopt the agenda as written.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 5-0.

5. County Manager

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

Interim County Manager Andrew Haskin reported that there have been major impacts throughout Lyon county and they are monitoring all situations. This Emergency Declaration is being brought forth to help get more resources to the County. Other Counties have done the same.

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

Comm. Keller informed everyone that Douglas and Storey Counties will be holding their emergency meetings at 4:00 p.m.

Comm. Hockaday read the resolution into the record.

Comm. Hockaday asked for public comment, there was none.
Comm. Keller made a motion to accept the resolution as presented.
Comm. Hendrix seconded.
The motion passed 5-0

6. Commissioner Comments

The Commissioners thanked staff, first responders and volunteers for all they are doing. They urged people to stay home and stay safe.

Comm. Hockaday thanked NDOT for opening Wilson Canyon. With 395 closed, it is the only way out of Smith Valley. There are many roads closed at this time. There are multiple situations all over the county and it may take time but the County is doing the best they can.

7. Public participation

There was none.

8. Adjourn
Meeting adjourned at 3:21 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

____________________________________________
DAVE HOCKADAY, Chairman

ATTEST

_________________________________________
STACI LINDBERG, Lyon County Clerk/Treasurer
Agenda Item Number:
13.b

Subject:
For Possible Action: Approve the March 16, 2023 Minutes.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- March 16, 2023 Minutes
The Honorable Board of Lyon County Commissioners met this day, Thursday, March 16, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447

1. Roll Call

Present: Chairman David Hockaday, Vice Chair Wes Henderson, Comm. Rob Jacobson, Comm. Scott Keller, and Comm. Tammy Hendrix

Absent: None

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli, Emergency/Communications Manager Taylor Allison, District Attorney Steve Rye, Assessor Troy Villines, HR Director Eric Milavsky and Clerk/Treasurer Staci Lindberg

2. Invocation given by Irene Albritton of First Christian Church

Irene Albritton gave the invocation.

3. Pledge of Allegiance

4. Public Participation

Comm. Hockaday asked for public participation.

Jim Denning from Yerington stated there is increased drug deals and traffic in his neighborhood. He moved here in 2018. There had been nothing done until about two months ago. It has quieted down some but there is still ongoing illegal activity, the laws are insufficient and better laws need to be put into place. These people are getting deferred bail, and released from jail the next morning. They should be required to submit to drug testing and counseling. There was a fire at the house in question and it was red tagged. Code enforcement has done all they can but nothing has really changed. There are old trailers and motor homes there that people are living in, there is a lot of transients and traffic. Mr. Denning feels there should be a monthly inspection on the “work” the owner says he is doing. The City Police are responsible for this area and do not get involved unless the Sheriff’s office calls them. Police presence would help. High school kids are going out there also. A request to deem this a nuisance property was submitted.

5. For Possible Action: Review and adoption of agenda

Comm. Hockaday made a request that when the District Attorney calls in they will move item 21.a to around 10 a.m.

Comm. Jacobson moved to adopt the agenda as written, moving 21.a to around 10am.

Comm. Henderson seconded.

Comm. Hockaday asked for public participation. There was none.
Motion passed 5-0.

6. Time Certain
6.a. Time Certain at 9:00 AM: For Presentation & Update Only: General Manager Bert Bryan with Walker River Irrigation District to give a report on current and forecasted Walker River conditions.

Bert Bryan gave a report on the Walker River Irrigation District, which has about 246,000 acres of water of which 81,000 acres have water rights in Lyon County. They are the largest irrigation district in the state of Nevada. Mr. Bryan reported on the amount of water in the Bridgeport and Topaz reservoirs and the East and West Walker Rivers in comparison with the 1997 and 2017 records. They are anticipating that the snow run off will not end until September. There is a potential for much more significant events depending on the upcoming weather. Mr. Bryan pointed out that the irrigation district is not a flood control district. They do the best they can to assist with flood mitigation and are trying to keep the reservoirs down as low as they can without overburdening the system at the bottom in preparation for the snow melting.

Comm. Jacobson questioned how much infrastructure damage there has been to the irrigation ditches and what challenges they will have to fix them before irrigation season. Mr. Bryan stated that there was quite a bit of damage done, they will need an engineer to do a full inspection in Hoye Canyon where the ditches are starting to slough off into the County road. Due to the weight of heavy equipment needed to fix these issues, they will need to wait until the area dries out. They are working in cooperation with private ditch companies, the district, and some other private entities to try to alleviate and fix these issues, get everything dried out and start delivering water. Many people in Smith and Mason Valleys have said they are unable to seed and this is going to cause delays.

Comm. Henderson commented that these problems would probably be around for a while. Mr. Bryan replied they project uncomfortable water levels for 30-45 days and it could get worse depending on Mother Nature.

The Commissioners thanked the irrigation district for all their work.

6.b. Time Certain at 9:15 AM: For Possible Action and Presentation: Approve an Investment Advisory Agreement with FHN (Financial Main Street Advisors, LLC) in the amount of 0.075% of the quarterly average, and naming US Bank as custodian of investment funds and opening an account with US Bank in the amount of 0.01%, and to allow Clerk/Treasurer to sign contracts.

Greg Falls, Assistant Chief Investment Officer with Financial Main Street Advisors gave a brief history of the company, their resources, and strategies.

Comm. Jacobson asked for clarification of the proposed fee structure.
Clerk Treasurer Staci Lindberg reached out to other counties regarding aggressive investment policies. We have used LGIP. LGIP also recommended Financial Main Street Advisors, as did other counties. Staci Lindberg has met with other agencies to find the one that would be the best for the County.

Comm. Henderson asked how much money is currently invested in LGIP. Staci Lindberg replied there is $103 million. They are looking at giving $50 million to the advisor to invest.

Comm. Hendrix asked to hear a risk assessment.

Stacy Lindberg said it is best to make sure that the banks they deal with are in the pool with LGIP and noted that LGIP insures investments and cash up to 102%.

Comm. Jacobson would like to hear Josh Foli’s opinion. Comptroller Josh Foli has been working closely with Staci Lindberg on this issue. These are very conservative investments. Mr. Foli is very comfortable with this and highly recommends moving forward but recommends looking at a three-month period due to the fiscal year.

Comm. Henderson questioned that entering into a contract and then developing an investment policy is somewhat backwards. Comptroller Josh Foli stated that by default our investment policy follows state law. He hopes to write a new and improved policy. Ideally, one would already built, but feels that they can use reasonable controls to do an investment.

Comm. Jacobson stated that Elko County uses the same system and asked if we know how much they have benefitted. Mr. Falls replied that he believes it is around $53,000. He was not sure of the exact amount for Douglas County but he does know that it is higher than with LGIP.

Comm. Hockaday is concerned about the risks with all the problems in Silicon Valley and questioned where U.S. Bank falls and are they solid.

Mr. Falls replied that in his opinion, they are a solid bank and all banks are being reassessed. Many banks are now buying treasuries, and their assets and liabilities do not match which causes liquidity issues. He explained credit risk and interest rate risk.

Comm. Henderson asked when the agreement would take effect if the motion were approved. Comptroller Josh Foli replied that it would take effect today.

Clerk Treasurer Staci Lindberg added that U.S. bank assets are reviewed daily to make sure they are stable.
Comm. Hockaday questioned how quickly the money could be withdrawn if the economy tanked. Comptroller Josh Foli replied that most securities have an open market and are able to be sold in a couple of days, but holding to maturity is recommended.

Comm. Hockaday asked for public comment. There was none.

Comm. Henderson motioned to approve an Investment Advisory Agreement with FHN (Financial Main Street Advisors, LLC) in the amount of 0.075% of the quarterly average, and naming US Bank as custodian of investment funds and opening an account with US Bank in the amount of 0.01%, and to allow Clerk/Treasurer to sign contracts.


Motion passed 5-0.

7. Presentation of awards and/or recognition of accomplishments

County Manager Andrew Haskin recognized Human Resources Director Eric Milavsky who is leaving Lyon County next week for outstanding commitment and performance to the employees of Lyon County and presented him with a certificate of appreciation.

Eric stated it has been an honor to work for Lyon County and he has made many friends.

All the Commissioners and Comptroller Josh Foli thanked Eric for the great job he has done and wished him luck.

8. Commissioners/County Manager reports

Comm. Hockaday thanked Governor Lombardo for his surprise visit to the County for a reconnaissance of Lyon County and the flood and damages and for briefing on the flooding.

Comm. Jacobson drove around to check out the flooded areas. He thanked County staff for their work helping mitigate as much damage as possible. He thanked the citizens for helping in their neighborhoods. He wished the 25 students of his hunter’s education class and Lyon County resident hunters luck in the game draw.

Comm. Hendrix thanked all the County staff for the long work hours they have put in during all of the flooding. She and Comm. Keller attended the Carson Water Sub conservancy meeting.

Comm. Henderson also thanked County Staff for their hard work during the flooding. He attended the Western Nevada Legislative Coalition and the NACo Legislative Committee last Thursday. They believe SB81 will move forward in some fashion. He attended the Regional Transportation Committee meeting Wednesday. The City of Yerington was reimbursed for funds expended for part of the water/sewer project. He also thanked the Governor for visiting.
Comm. Keller also thanked the County staff. He has reached out to the Boards he is sitting on and is getting on their calendars. He attended the Carson Water Sub conservancy meeting with Comm. Hendrix.

Comm. Hockaday was a judge at the Smith Valley Rotary speech contest at the high school. He appreciated that he was asked to be a judge. It is impressive to see the kids.

County Manager Andrew Haskin gave a report of the briefing they gave Governor Lombardo on flooding and flood damage. He showed pictures of all the flooding and damage around the County. He thanked staff for all hands on deck. He mentioned there was a resignation on the Planning Commission so the applications from today will move forward to the April 6th meeting and new applications are due April 3rd. Louis Cariola was hired as the new Community Development Director.

Comm. Jacobson thanked whoever took the pictures Andrew Haskin used in his presentation and asked if maybe the police drone or some other equipment could be used to take more aerial pictures. Andrew agreed the aerial photos have been very helpful in the decision making process.

Comm. Henderson thanked staff and congratulated Mr. Cariola.

Andrew Haskin also reported that Shayla Holmes was very important in helping with temporary shelter.

9. Elected Official’s reports

There was none.

10. Appointed Official’s reports

Emergency Communications Manager, Taylor Allison thanked the Sheriff’s office, the Search and Rescue, VIP’s for manning the call center, and Team Rubicon, a group of volunteer veterans for helping fill sand bags at Mason town hall. She thanked the businesses that supported in kind by donating equipment, operators, and materials to help with repairs. They are working on the damage assessment. She explained that when an emergency is declared there are thresholds to meet for federal assistance. Lyon County’s threshold is about $260,000.00. So far, they are at about $180,000.00 in two areas in Smith Valley, not including Dayton or any other areas.

The Commissioners all thanked Taylor Allison.

Louis Cariola is appreciative of the faith placed in him. He is committed to reviewing the internal processes to see if there are opportunities for efficiencies. His goal is to bring the Planning Commission and the Board of County Commissioners clear and concise reports, and a transparent process.

Comptroller Josh Foli reported they had another meeting on the Fernley Justice Court expansion project with the architect. They have come up with a design of what they need for the expansion. The cost is going to be closer to $5 million vs. $2.2 million that was allocated through ARPA.
funding. He is not sure how they will be funding this and will be looking at budgets in next few weeks.

Comm. Jacobson asked if we have reached out to the City of Fernley to share cost. Josh Foli stated they could reach out to them to discuss it.

Director of Lyon County Human Services, Shayla Holmes, reported that April 7, 2023, pinwheel planting will be held in Fernley, Yerington, Silver Springs, and Dayton for Child Abuse Prevention Month. They will be here at the April 6th meeting to give a presentation on this. Comm. Jacobson asked Shayla Holmes for a flyer to hand out, and she stated she would get one to him as soon as they are finalized.

11. Advisory Board reports

Ralph Ewin, Dayton Advisory Board Chair stated at their last meeting concerns were expressed on the new stop sign on Dayton Valley Road and The Lakes Blvd being ignored, they need stop ahead painted there. They have also had concerns about the homeless situations and the camps along the river getting out of control. They also had an issue with out of date computer equipment and the Zoom meeting.

Comm. Henderson reported that painting the stop ahead warning is planned, but they are waiting for better weather.

Mark Jones Smith Valley GID Vice Chair reported they have moved their meetings to the Smith Valley Fire Dept. to do Zoom meetings. They have had concerns with proposals to review land splits without input from the Planning Commission and requested that input be attached. They are trying to get reflector strips painted on lower colony, which will save the State a lot of money because they have to keep replacing barriers. In a white out, you cannot see the barriers. There was a head on collision due to this last week. Mr. Jones wants to know statute on setting meeting dates because they would like to change the dates. He requested a letter of appreciation to 775 Rescue group for all the rescues they have helped with.

CONSENT AGENDA

Comm. Henderson moved to approve the consent agenda items #12.a. – 16.c. as written, pulling 13.a.

Comm. Hendrix requested item 13.a be pulled for a correction on the minutes.


Comm. Hockaday asked for public comment. There was none.

The motion passed 5-0.
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.

13. For Possible Action: Approve County Commission Minutes
   13.a. For Possible Action: Approve the March 2, 2023 minutes.

Comm. Hendrix requested a change on page 10 stating the drainage schedule for the ditches would have a SWPP and drainage will be maintained twice a year by the developer.

Comm. Hendrix made a motion to approve the March 2, 2023 minutes as amended.

Comm. Henderson seconded.

Comm. Hockaday asked for public comment. There was none.

Motion passed 5-0.

14. Contracts
   14.a. For Possible Action: Approve Agreement with Thomson Reuters for Online Legal Research for the District Court for five years at the rate of $1,170 per month the first year and a 4% increase each year thereafter.

15. Grants
   15.a. For Possible Action: Accept a $2500 scholarship from the Pet Network Humane Society covering registration and travel expenses for a Lyon County Animal Services Officer to attend the Animal Care Expo in New Orleans in April 2023.

   15.b. For Possible Action: Accept amendment to FY2019 Federal Transit Administration (FTA) 5339 (Capital Purchases) Agreement funding in the amount of $66,179, with County matching funds in the amount of $11,679, for a replacement vehicle and accept the vehicle into the County fleet, to extend the agreement ending date to March 31, 2024.

16. Other Consent Items
   16.a. For Possible Action: Review and accept travel claims.
       - Travel Report 2-16-23 to 2-28-23

Travel claims totaled $5,398.27 as of February 28, 2023.
16.b. For Possible Action: Review and accept claims and financial reports.
- Claims Report 2-16-23 to 2-28-23
- Cash Report 2-28-23

The cash balance as of February 28, 2023 was $111,057,902.87. County claims totaled $1,080,137.50 and payroll totaled $1,075,232.53.

16.c. For Possible Action: Approve buying two trucks that will exceed the current budgeted amount, with $11,000 coming from contingency in the General Fund for a Facilities Department truck and $6,000 being moved from the services and supplies line item in the Road Improvement Fund for a Road Department truck.

**END OF CONSENT AGENDA**

REGULAR AGENDA

17. Advisory Board

17.a. For Possible Action: Appoint a member to the Planning Commission, with a term expiring December 31, 2026.

- Clerk Affidavit
- Betty Retzer, Application
- Jeff Le Grand, Application
- Jimmie A. Richards, Application
- Mark Hamilton Jones, Application
- Michael Weiss, Application
- Ralph N. Ewing, Application
- Shannon Ceresola, Application
- Suzanne Armstrong, Application.

For the record, it was noted that Betty Retzer pulled her application.

Erin Lopez reported that this position has been open since Tammy Hendrix resigned when appointed to the Board of County Commissioners. Greg Claussen also withdrew. They will reach out to all applicants to see if they would like to move to the April 6th meeting. Erin asked if any of the applicants were in chambers or online and would be interested.

Comm. Henderson asked for a list of current members and what area of the County they live in. He would like a summary of items that come before the Planning Commission by geography for next meeting.

Comm. Jacobson agreed with Comm. Henderson and stated that the Fernley area is under-represented.
Comm. Keller stated that the most development is on the highway 50 corridor and that they should appoint someone from the area of development.

Comm. Hendrix also agreed.

Comm. Hockaday agreed that currently the most development is on the highway 50 corridor but they also need representation from the southern end of the County also.

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

Comm. Hockaday moved to appoint Ralph N. Ewing to the Planning Commission, with a term expiring December 31, 2026.

Comm. Hendrix seconded.

Motion passed 4-1. Comm. Jacobson voted Nay.

**17.b. For Possible Action:** Appoint Jeff Miller as the Sheriff's Representative to the 911 Surcharge Committee with a term expiring December 31, 2023.

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

Erin Lopez wanted to state for the record that this was a recommendation from Sheriff Brad Pope due to a vacancy.

Comm. Henderson motioned to appoint Jeff Miller as the Sheriff's Representative to the 911 Surcharge Committee with a term expiring December 31, 2023.


Motion passed 5-0.

**18. Utilities**

**18.a. For Information Only:** Projects update from the Utilities Engineer for the first quarter of 2023 (Kishora Panda).

Utilities Engineer, Kishora Panda, gave a summary of projects in planning stages, including the Hwy 50 Dayton Valley Road sewer replacement project, sewer model development, Silver Springs GID effluent disposal preliminary engineering report and Sheep Camp Dam geotechnical assessment. He also gave a report on the projects currently in construction, which are the sewer lift station 2 replacement, Aspen Creek rapid infiltration basins, 10-Mile Hill tank and the Rolling A wastewater treatment facility phase 4 expansion.
18.b. For Possible Action: Approve Change Order No. 1, for the Aspen Creek Rapid Infiltration Basins and 12-inch Effluent Main Project with Ames Construction, to extend the contract duration by 121 days due to material procurement delays associated with American Iron and Steel available products. (David Bruketta)

Utilities Director, David Bruketta gave an update on the project, which is running behind due to the shortage of the required American iron and steel. They are at the mercy of the supplier and they are hoping these products will arrive in April. This is the best info they have as of today.

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

Comm. Henderson motioned to approve Change Order No. 1, for the Aspen Creek Rapid Infiltration Basins and 12-inch Effluent Main Project with Ames Construction, to extend the contract duration by 121 days due to material procurement delays associated with American Iron and Steel available products.

Comm. Hendrix seconded.

Motion passed 5-0.

19. County Manager
19.a. For Possible Action: Approve Task Order C, between LYON COUNTY, NEVADA and ARMSTRONG CONSULTANTS, INC., providing for professional engineering services for the Silver Springs Airport for Pavement Maintenance of Runway 6/24 and Taxiway A, in the amount of $73,980.00.

County Manager Andrew Haskin stated this is for the grant they apply for every year for maintenance of the Silver Springs Airport.

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

Comm. Keller made a motion to approve Task Order C, between LYON COUNTY, NEVADA and ARMSTRONG CONSULTANTS, INC., providing for professional engineering services for the Silver Springs Airport for Pavement Maintenance of Runway 6/24 and Taxiway A, in the amount of $73,980.00.

Comm. Henderson Seconded.

Motion passed 5-0.

19.b. For Possible Action: Approve letters of support on behalf of the Board of Commissioners for Community Project Funding requests.
County Manager Andrew Haskin stated these are the funding requests they will be submitting this week.

Comm. Jacobson questioned if some of this is stemming from the Consultants in Washington D.C. Andrew Haskin replied it is.

Henderson. Thanked Andrew Haskin for his for his hard work and getting these ready so quick.

Comm. Hockaday has already signed nine of these and they will have them out by Thursday.

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

Comm. Keller motioned to approve letters of support on behalf of the Board of Commissioners for Community Project Funding requests.

Comm. Henderson seconded.

Motion passed 5-0.

20. Clerk/Treasurer

20.a. For Possible Action: Approve contract with Bid4Assets for five years for online county tax sale auction and allow the Clerk/Treasurer to sign the contract.

Clerk/Treasurer Staci Lindberg reported that in reviewing the auction processes and wanting to upgrade and make the sales more successful, she reached out to other Counties and 13 of 17 counties are using Bid4assets and have had great success using this company. Bid4assets is a no pay company. There are no fees to us and they take care of the entire auction. Currently Lyon County only advertises in local newspapers required by NRS. Bid4assets advertises nationwide. They currently have a list of 850,000 registered bidders and 13,000 of those are in Nevada. They currently send out 450 emails weekly to try to get new bidders. Auction day in the Clerk Treasurer’s office is extremely chaotic from what she has been told; they have to verify funds, collect money, verify vesting, and get deed information. Bid4assets does it all for us at no charge. Bidders are charged 10% to cover the fees. Nye County just had a sale of small properties from the previous years that could not sell. Nye put the properties on Bid4assets and they all sold over the asking price. Staci Lindberg noted that after one year, the excess funds could go into the general fund to help fund the county. She also gave the statistics on how much Bid4assets has increased the number of bidders and the profits received due to this. If Lyon County is unhappy with Bid4assets, services can be cancelled after the first year.

Comm. Hendrix confirmed that the cost would be on the buyer, not the county. Staci Lindberg confirmed this and also noted they could cancel a property the day before sale at no charge.
Comm. Hockaday thanked Staci Lindberg for her initiative, the positive changes she has brought, and the increase in income and activities she is looking into to save money.

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

Comm. Henderson motioned to approve contract with Bid4Assets for up to five years for online county tax sale auction and allow the Clerk/Treasurer to sign the contract.

Comm. Hendrix seconded.

Motion passed 5-0.

21. Human Resources

21.a. For Possible Action: Approve the addition of one new classification to the Deputy District Attorney Classification series, and amend the compensation plan by adjusting the salary ranges for classifications within this series.

Comm. Keller stepped out for a moment.

Eric Milavsky stated that recruiting and retaining attorneys has been a challenge over the last few years. Demand exceeds supply. He stated it is difficult to hang on to attorneys who are very marketable in other places. In the last five years, they have had nine attorney separations. Six of those attorneys went to other counties for more pay and shorter commute. Exit interview feedback is good when it comes to the workplace culture. Money and commute are the primary issues why employees leave. It is being proposed to add one tier class to the job family so Deputy District Attorneys have the ability to promote every three and five years of service. There are two reallocation of pay ranges, Senior Deputy D.A. and Chief Deputy D.A. The fiscal impact if this motion was made active today would be under $8,000.00. There is more than that available in the budget because of savings due to carrying vacancies the office has had the entire fiscal year.

District Attorney Steve Rye stated this pay rate is consistent with other counties. He did recognize there is a fiscal impact; however, it will be beneficial in the long run. The department would appreciate if this could be approve this fiscal year if possible.

Comm. Hockaday asked for public participation. There was none.

Comm. Hockaday commented that we do need to be able to compete with other counties. It is a loss for Lyon County if employees are always leaving and new employees have to be trained all the time.
Comm. Keller motioned to approve the addition of one new classification to the Deputy District Attorney Classification series, and amend the compensation plan by adjusting the salary ranges for classifications within this series as presented.


Motion passed 5-0.

22. Agenda Requests

Comm. Keller requested that volunteer groups be formally recognized.

Comm. Henderson requested that before they fill the next planning commission seat he would like a geographic synopsis of projects before the planning commission.

Comm. Jacobson requested applicants for the planning commission be able to speak before the board. He would also like all the volunteer groups and staff that have helped during the weather events formally recognized.

Comm. Hockaday has some requests in the works and will bring them to a future meeting.

23. Commissioner Comments

Comm. Henderson gave his sympathy and congratulations to his wife for their wedding anniversary today.

24. Closed Session

There was no closed session.

25. Public Participation

There was none.

26. Adjourn

Comm. Hockaday adjourned the meeting at 11:41 a.m.
Lyons County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
14.a

Subject:
For Possible Action: Approve Contract for Ledezma-Aguilar Garden Services for the amount of $800.00 per month. This is for the maintenance of the medians on Dayton Valley Rd. Authorize the County Manager to sign Documents.

Summary:
This contract is a renewal and is for the Maintenance of the Dayton Valley Rd Medians. This contract is on a seasonal basis, from March 1, 2022 through November 30, 2022. This will be paid out of the Road Fund.

Financial Department Comments:
This is the budgeted amount.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve Contract for Ledezma-Aguilar Garden Services for the amount of $800.00 per month. This is for the maintenance of the medians on Dayton Valley Rd. This contract is on a seasonal basis, from March 1, 2022 through November 30, 2022. This will be paid out of the Road Fund.

ATTACHMENTS
- Dayton Valley Rd Median Proposal 2023
Proposal

Service area:
• Dayton Valley Road Medians

Grounds maintenance to include:
• Weed control
• Blowing clean all hard surface areas of trash and debris
• Trimming small trees/shrubs/plants as needed
• Other services may require additional fees

We hereby propose $800 a month, one visit per week. Payment is due upon receipt of invoice, no later than 15 days from date on invoice. Service will be on seasonal basis starting April 1st and ending November 30th 2023. Contract may be terminated at any time by either party with written 30 day notice of intent.

ACCEPTANCE OF PROPOSAL

The above price, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

ACCEPTED BY: ___________________________________  
Printed Name & Position

Authorized Signature: _______________________________ Date: __________

Contractor: ________________________________________ Date:___________
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
14.b

Subject:
For possible Action: Approve to go out to bid for the 2023 RTC Project in the Stagecoach and Silver Springs area for chip sealing, fog sealing, crack sealing and approve the proposals from Dowl for bid preparations, bidding and construction management.

Summary:
This project is in the Stagecoach and Silver Springs area for 76.4 miles of roadway for chip sealing, Slurry Sealing, fog sealing, striping and crack sealing. The proposal from Dowl in the amount of $65,745.00 for bid preparations, bidding and construction management. The total amount for the project will be paid from RTC fund.

Financial Department Comments:
This will be paid out of the RTC Fund.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve to go out to bid for the 2023 RTC Project in the Stagecoach and Silver Spring area for chip sealing, fog sealing, crack sealing and approve the proposals from Dowl for bid preparations, bidding and construction management. The total amount will be paid from RTC budget.

ATTACHMENTS
- Dowl Task Order
- 2023 CHIPSEAL-SLURRY PROJECT STG-SS
This is EXHIBIT A, consisting of 6 pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated December 18, 2014.

Task Order - Lyon County Engineer

Task Order Number: 30

Date: April 6, 2022

Title: 2023 Lyon County Roadway Resurfacing Project

Project Description: DOWL is requested to assist Lyon County (County) with the bidding process and construction management with the County Roadway Resurfacing Project in Stagecoach, Nevada and Silver Springs, Nevada. The resurfacing project consists of protective surface sealing such as slurry, chip, and double chip. This Scope of Work (SOW) consists of DOWL providing bidding and construction management support services to the County.

The Master Services Agreement is amended and supplemented to include the following agreement of the parties.

PART 1 – SERVICES

Task 1 – Project Management

Objective
To plan, organize, direct, control, and communicate all relevant activities set forth in this SOW within the approved budget and schedule.

Approach
The following applies:

DOWL will routinely review project progress and communicate project status on a regular basis. Communication will be through email and telephone, and with project coordination meetings with County and DOWL staff. This task will include the following activities:

- Project administration includes scheduling maintenance, cost control, filing, resource allocation, and routine communications.
- Team coordination, including conference calls and internal meetings.
- Monitoring changes to the scope, budget, or schedule and developing change management strategies with the County.

Deliverables
The following will be delivered under this task:

- Monthly invoices and status reports.

Assumptions
The following assumptions apply:

- Monthly reports will be provided with timely invoices.
- Project-related issues will be identified, communicated, and resolved.
Task 2 – Bid Documents

Objective
Prepare bid documents; provide needed details to raise surface lids (as needed); provide GIS mapping exhibits as part of bid package; and prepare preliminary opinion of probable construction costs.

Approach
The following approach applies:

- Prepare bid documents of roadway rehabilitation with slurry seal, chip seal, double chip seal, and crack seal – including project documents and bid schedule.

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<th>Description</th>
<th>Miles</th>
<th>Square Yards</th>
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<tr>
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<tr>
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<table>
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<tr>
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<tr>
<td>Total</td>
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- Prepare technical specifications and construction details for roadway resurfacing.
- Prepare GIS mapping of each roadway section including area and striping (where applicable) – see attached Exhibits for specific roads to be included in the project scope.
- Update GIS software with 2022 roads and type of resurfacing applied to the road.
- Submit bid package to County staff for comments.
- Meet with County to review comments and finalize the bid documents.

Deliverables
The following will be delivered under this task:

- Submittal of the 90% set for County review and comment includes individual PDF files of the Plans (11”x17”), Specifications, and Opinion of Probable Construction Cost.
- Submittal of the 100% set used for bidding will include individual PDF files of the Plans (11”x17”), Specifications, and Opinion of Probable Construction Cost.

Assumptions
The following assumptions apply:

- County review and comment within 1 week after receiving draft bid package.
- An Opinion of Probable Construction Cost will be provided for bid package.
Task 3 – Bidding Assistance

Objective
Assist the County in the bid solicitation, opening, review, and award process of the construction contract.

Approach
Activities under this task will include the following elements:

- Advertise and bid the Project electronically through the Planet Bids platform and maintain a plan holder’s list.
- Attend one (1) pre-bid meeting at the County’s office, prepare agenda, attend meeting, and compile meeting minutes for distribution.
- Answer questions from bidders and prepare addendum.
- Collect and review bids and perform due-diligence checks.
- Prepare letter of recommendation for award of the contract to the County.
- Prepare and issue Notice of Award.

Deliverables
The following deliverables will be submitted under this task:

- Pre-bid meeting minutes.
- Bid results summary.
- Letter of recommendation to the County Board for award. Recommendation to the Board will be made for award of the contract to the lowest responsible and responsive bidder.
- Notice of Award.
- One (1) original copy of the Specifications for use during construction.

Assumptions
The following assumptions apply:

- DOWL will conduct the pre-bid at the County office.
- Bid opening will be done virtually and shared through Planet Bids.
- Two (2) RFI s and preparation of one (1) addendum are assumed.

Task 4 – Construction Administration Support

Objective
Monitor the Project and keep the County informed of the Project status at all times. This phase also includes assisting the County with the close out of the construction process, construction contract, and limited construction observation.

Approach
The following activities will be performed as part of this task:

- Conduct one (1) pre-construction meeting, prepare agenda and meeting minutes for the pre-construction meeting. DOWL attendance will include our Project Manager and Construction Observer.
- Process two (2) change order(s), payment applications, evaluating claims, reviewing submittals, respond to RFIs, and address unanticipated conditions.
- Weekly in-office construction management activities are limited to eight (8) total hours per week throughout the project duration.
  - These activities include processing of documents (described earlier), coordination of parties, daily observation report QC, etc.
  - Review construction inspection and material testing results, which will be provided by Lumos and Associates.
- Maintain all Project documentation for the duration of the Project including tracking, disbursing, and reviewing. Maintain logs for all documentation including submittals, RFCs/RFIs, field orders, work change directives, change orders.
- **Certified Payroll Review:**
  - Review certified payroll reports supplied by prime contractor. Reports to include prime and sub-contractors working on Project.
  - Verify contractor staffs’ position, time, and wages paid are accurate and comply with the prevailing wages for the Project.
- **Schedule and manage weekly virtual construction meetings.** Prepare all agendas and meeting minutes for weekly construction meetings.
- **Coordinate a substantial completion inspection and formulate a final punch-list of work items to be completed prior to final inspection.**
- **Conduct a final inspection meeting to verify that all outstanding work items are complete (construction observer to perform on-site final walkthrough with Contractor and County Staff).**
- **Recommend Project final acceptance to the County.**
- **Construction Observation**
  - Answer questions, ensure work is being completed per the plans and specifications, and coordinate with all parties and the public.
  - Monitor traffic control and public access.
  - Attend all weekly progress meetings.
  - Generate punchlist of items to correct at substantial completion.

**Deliverables**
The following will be delivered under this task:
- Certified payroll reports supplied by contractor.
- Electronic copies of responses to material submittals, cutsheets, and construction plan review.
- Electronic copies of responses to work plans, RFIs, and requests for change orders.
- Draft and final notice of substantial completion.

**Assumptions**
The following assumptions apply:
- Pre-construction meeting to be held at County’s office in Dayton.
- Construction anticipated to take fourteen (14) weeks.
- Fourteen (14) weekly construction meetings are assumed. DOWL will be available for additional on-site visits if requested by County, billed on a time and materials basis outside of the SOW.
- Office engineering efforts are detailed under the Approach section of this task.
- Certified payroll reviews are assumed at two (2) hours per week.
- Certified Payroll reports are anticipated to be complete and correct. Contractor is to be familiar with certified payrolls and compliance.
- One (1) minor revision per report is assumed within this SOW. Additional revisions will be billed on a time and materials basis.
• If certified payroll reports are not complete, DOWL will reject submission and require re-submittal by the contractor.

• DOWL’s review will consist of verification of personnel, their time, and hourly wages meet requirements of the Project.

• All final certification and reporting to the Nevada Department of Labor must come from the County as they are the public body, funding Project, and have ultimate responsibility.

• Material testing will be provided by County via certified third-party testing company (Lumos and Associates).

• DOWL construction observation will be one (1) day per working week, 1.5 hour of on-site observation, 2.5 hours for reporting and travel.

• Lyon County will provide construction observation personnel for day-to-day construction observation.

• If construction efforts vary from this schedule, DOWL will be present for days that work is being performed until complete and compensated on a time and materials basis outside of the scope.

• On-site observation will only occur when the contractor is performing work.

• Limited on-site construction observation will be coordinated with the Contractor based on their construction schedule, weekly construction meetings, and communications during the period of construction.

• DOWL is not responsible for the Contractor’s construction means and methods; project site safety; Contractor’s failure to perform; and is not authorized to stop the work of the Contractor.

• Construction will be in substantial compliance with the plans and specifications prepared by DOWL.

• Logs, meeting minutes, etc. will be provided to the construction site on an as-needed basis. All documentation will be available via a SharePoint site for all parties to retrieve through the duration of the project.

**Task 99 - County Directed Services**

For tasks to cover the cost of Project work items that are currently unforeseen by the County, a task budget of $5,000 is incorporated into this Contract. Labor efforts will not be charged to this task unless written authorization is obtained from the County.

**PART 2 – COMPENSATION**

The County shall pay DOWL on a time and materials basis of **Sixty-Five Thousand, Seven Hundred, and Forty-Five Dollars**. A breakdown of the individual task budgets is as follows:

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<th>Description</th>
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<td><strong>PROJECT TOTAL:</strong></td>
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PART 3 – SCHEDULE

The following is a proposed schedule to be used as a general guideline only.

Notice to Proceed: April 2023
Bid Package ready to bid: May 2023
Bidding Process: May 2023
Contracting: June to July 2023
Construction Management: July 2023 to October 2023
Closeout: November 2023

IN WITNESS WHEREOF, the parties hereto have executed this Task Order.

Owner: Lyon County
Signature: ____________________________
Name: Dave Hockaday
Title: Chair/Board of County Commissioners
Date Signed: ____________________________

Engineer: DOWL
Signature: ____________________________
Name: Keith Karpstein, P.E.
Title: Senior Engineer
Date Signed: March 6, 2023
## Stagecoach Chip Seal

<table>
<thead>
<tr>
<th>ROAD NAME</th>
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<th>MILEAGE</th>
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<th>WIDTH FT.</th>
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Silver Springs Slurry
### Stagecoach Double Chip Seal

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Total: 4.91 70560.11

### Silver Springs Double Chip Seal

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Total: 3.69 50766.00
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**Total**

- **41830**
- **2220**
- **6860**

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### Description Costs

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- **$4,015,877.03**
- **76.39**
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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
15.a

Subject:
For Possible Action: Accept grant award amendment from State of Nevada Department of Health and Human Services, Account for Family Planning Grants Management Unit, redirecting $6,204.00 from “Other” to “Training” to provide Family Planning Health Worker training and certification

Summary:
The Family Planning Services grant is intended to provide family planning and reproductive health services to help individuals in Lyon County with difficulties obtaining such services. This redirection of funding will provide training and certification for Family Planning Health Workers in Lyon County.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Accept grant award amendment from State of Nevada Department of Health and Human Services, Account for Family Planning Grants Management Unit, redirecting $6,204.00 from “Other” to “Training” to provide Family Planning Health Worker training and certification.

ATTACHMENTS
- FY22 Family Planning Services Grant Amendment 2
SUBAWARD AMENDMENT #2

Program Name: DHHS, Grants Management Unit, Account for Family Planning
Julia Peek, Deputy Administrator/jpeek@health.nv.gov

Subrecipient Name: Lyon County, Nevada
Shayla Holmes/sholmes@lyon-county.org

Address: 4126 Technology Way, Suite 100
Carson City, Nevada 89706

Address: 27 south Main Street
Yerington, NV 89447-2206

Subaward Period: 7/1/2021 through 6/30/2023

This amendment reflects a change to:
☐ Scope of Work
☒ Term
☐ Budget

Amendment Effective Date: Upon approval by all parties.

Reason for Amendment: To provide accurate reimbursement under appropriate categories.

Required Changes:

Current Language: Total reimbursement through this subaward will not exceed $90,002.00. See Section B, C and D of the original subaward and or amendment #1.

Amended Language: Total reimbursement through this subaward will not exceed $56,087.00. See attached Section B, C and D revised on 3/7/2023.

Approved Budget Categories

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</tr>
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</table>

TOTAL DIRECT COSTS $51,362.00

8. Indirect Costs $4,725.00

TOTAL APPROVED BUDGET $56,087.00

Incorporated Documents:

Section B: Description of Services, Scope of Work and Deliverables revised on 3/7/2023 (if applicable)
Section C: Budget and Financial Reporting Requirements revised on 3/7/2023 (if applicable)
Section D: Request for Reimbursement revised on 3/7/2023 (if applicable)
Exhibit A: Original Notice of Subaward and all previous amendments revised on 3/7/2023

By signing this Amendment, the Authorized Subrecipient Official or their designee, Bureau Chief and Administrator acknowledge the above as the new standard of practice for the above referenced subaward. Further, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the original subaward and all of its attachments.

Dave Hockaday
Chairman, Board of County Commissioners, Lyon County, Nevada

Erika Pond, MPH
Social Services Chief
Grants Management Unit
Department of Behavioral and Public Health

For Julia Peek, MHA, CPM
Deputy Administrator
Division of Public and Behavioral Health

Signature

Date

Note: This document should not contain any red text when completed
Applicant Name: Lyon county

BUDGET NARRATIVE SFY 23
(Form Revised August 2020)

All activities, events, meetings etc. will take place in accordance with State and Local compliance requirements related to COVID-19. Large events (10 or more people in attendance) will require a written plan for COVID-19 compliance no less than 30 days prior to the date of the event, and must be emailed to gmu@dhhs.nv.gov.

Operating

<table>
<thead>
<tr>
<th></th>
<th>Total: $8,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>List tangible and expendable personal property, such as office supplies, program supplies, etc. Unit cost for general items are not required. Listing of typical or anticipated program supplies should be included. If providing meals, snacks, or basic nutrition, include these costs here.</td>
<td></td>
</tr>
<tr>
<td>Medical supplies/ Pharmaceuticals, average: $250.00 per individual x 32</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

Justification: Provide narrative to justify purchase of meals, snacks, large expense, or unusual budget items. Include details how budget item supports deliverables of the project.

Contractual

<table>
<thead>
<tr>
<th></th>
<th>$27,730</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify project workers who are not regular employees of the organization. Include costs of labor, travel, per diem, or other costs. Collaborative projects with multiple partners should expand this category to break out personnel, travel, equipment, etc., for each site. Sub-awards or mini-grants that are a component of a larger project or program may be included here, but require special justification as to the merits of the applicant serving as a “pass-through” entity, and its capacity to do so.</td>
<td></td>
</tr>
<tr>
<td>Healthy Communities Coalition</td>
<td>$27,730</td>
</tr>
</tbody>
</table>

Method of Selection: Sole Sources
Period of Performance: 7/1/2022-6/30/2023
Scope of Work: HCC will provide one on one resource connection and/or group education to youth and families connected through the school system and food pantries up to 4 hours/wk. Resource flyers/guide will be created and distributed through food pantries and to local providers.

* Sole Source Justification: Only local Community Health Worker contractor working within the school system.

Budget

<table>
<thead>
<tr>
<th></th>
<th>$27,730.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$27,730.00</td>
</tr>
<tr>
<td>Travel</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total Budget</td>
<td>$27,730.00</td>
</tr>
</tbody>
</table>

Method of Accountability: Describe how the progress and performance of the consultant will be monitored. Identify who is responsible for supervising the consultant's work.

Training

<table>
<thead>
<tr>
<th></th>
<th>Total: $6,204</th>
</tr>
</thead>
<tbody>
<tr>
<td>List all cost associated with Training, including justification of expenditures. On demand training @ $274.65 x 20 individuals</td>
<td>$5,493.00</td>
</tr>
<tr>
<td>9 books @ $79</td>
<td>$711.00</td>
</tr>
</tbody>
</table>

Justification: This On-Demand Family Planning Health Worker (FPHW) Certification is the newest version of Essential Access Health's Nationally recognized comprehensive contraceptive counseling course for health providers and educators. Participants will learn how to counsel patients on all contraceptive methods to assist them in achieving their family planning goals, get true informed consent, and integrate STD/ HIV prevention messaging. They will also learn how to comply with privacy and mandatory reporting laws while providing confidential sexual and reproductive health services.
Identify and justify these expenditures, which can include virtually any relevant expenditure associated with the project, such as audit costs, car insurance, client transportation, etc. Stipends or scholarships that are a component of a larger project or program may be included here, but require special justification.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barrier removal supports (co-pays and fees) $49.50 X 95 supports</td>
<td>$4,703</td>
</tr>
<tr>
<td>Barrier removal supports (co-pays and fees) $525/person*9 individuals</td>
<td>$4,725</td>
</tr>
</tbody>
</table>

Justification: Individuals without insurance or that are under insured have significantly higher costs for testing and treatment. LCHS will be able to offset these costs using funds for direct payment to 3rd party health care providers for approved services.

| TOTAL DIRECT CHARGES | $51,362 |

<table>
<thead>
<tr>
<th>Indirect Charges</th>
<th>Indirect Rate: 9.200%</th>
<th>$4,725</th>
</tr>
</thead>
</table>

Indirect Methodology: Using standard indirect rate provided of 8%

| TOTAL BUDGET | $56,087 |

### Applicant Name: Lyon County

**PROPOSED BUDGET SUMMARY**

(Form Revised August 2020)

#### A. PATTERN BOXES ARE FORMULA DRIVEN - DO NOT OVERRIDE - SEE INSTRUCTIONS

<table>
<thead>
<tr>
<th>FUNDING SOURCES</th>
<th>GMU</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Program Income</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECURED</td>
<td>$56,087</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENTER TOTAL REQUEST</td>
<td>$56,087</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENSE CATEGORY</th>
<th>GMU</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Other Funding</th>
<th>Program Income</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Travel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Operating</td>
<td>$8,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$8,000</td>
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<tr>
<td>Equipment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Contractual/Consultant</td>
<td>$27,730</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$27,730</td>
</tr>
<tr>
<td>Training</td>
<td>$6,204</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$6,204</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>$9,428</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Indirect</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$4,725</td>
</tr>
</tbody>
</table>

**TOTAL EXPENSE** $56,087

**These boxes should equal 0**

$0 $0 $0 $0 $0 $0 $0 $0 $0 $0

<table>
<thead>
<tr>
<th>Total Indirect Cost</th>
<th>$4,725</th>
</tr>
</thead>
</table>

**Total Agency Budget** $56,087

**Percent of Subrecipient Budget** 100%
Agenda Item Number: 15.b

Subject: For Possible Action: Accept grant award from Aging and Disability Services Division (ADSD), State of Nevada, for FY2023 Nutrition Services Incentive Program (NSIP) in the amount of $57,788.00.

Summary: This is an annual Notice of Grant Award (NGA) for the Nutrition Services Incentive Program (NSIP) funding, in the amount of $57,788.00, and is utilized to offset the cost of food for meal preparation at Dayton, Fernley, Silver Springs and Yerington Senior Centers.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation: Accept grant award from Aging and Disability Services Division (ADSD), State of Nevada, for FY2023 Nutrition Services Incentive Program (NSIP) in the amount of $57,788.00.

ATTACHMENTS
- FY23 Nutrition Services Incentive Program Grant Award
### NOTICE OF SUBAWARD

**Program Name:**
ADSD Planning, Advocacy and Community Services (PAC) Unit Grants Management

**Subrecipient’s Name:**
Lyon County

**Address:**
3208 Goni Road, #I
Carson City, NV 89706

**Subaward Period:**
10/1/2022 – 9/30/2023

**Purpose of Award:**
Fiscal Year 2023 NSIP funding to purchase domestically produced food for the subrecipient’s Title III-C meal program(s).

**Region(s) to be served:**
- Statewide
- Specific county or counties: Lyon County

**Approved Budget Categories:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$0.00</td>
</tr>
<tr>
<td>Travel</td>
<td>$0.00</td>
</tr>
<tr>
<td>Operating</td>
<td>$57,788.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$0.00</td>
</tr>
<tr>
<td>Contractual/Consultant</td>
<td>$0.00</td>
</tr>
<tr>
<td>Training</td>
<td>$0.00</td>
</tr>
<tr>
<td>Other</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL DIRECT COSTS</td>
<td>$57,788.00</td>
</tr>
<tr>
<td>Indirect Costs</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL APPROVED BUDGET</td>
<td>$57,788.00</td>
</tr>
</tbody>
</table>

**AWARD COMPUTATION:**

- Total Obligated by this Action: $57,788.00
- Cumulative Prior Awards this Budget Period: $0.00
- Total Federal Funds Awarded to Date: $57,788.00
- Total State Funds Awarded to Date: $0.00
- Total Funds Awarded: $57,788.00

- Match Required: Y N
- Amount Required this Action: $0.00
- Total Match Amount Required: $0.00
- Research and Development (R&D): Y N

**Federal Budget Period:**
10/01/2022 - 09/30/2024

**Federal Project Period:**
10/01/2022 - 09/30/2024

**Terms and Conditions:**

1. This award is subject to the availability of appropriated funds.
2. Expenditures must comply with any statutory guidelines, the DHHS Grant Instructions and Requirements, ADSD Requirements and Procedures for Grant Programs (RPGPs), and the State Administrative Manual.
3. Expenditures must be consistent with the narrative, goals and objectives, and budget as approved and documented.
4. Subrecipient must comply with all applicable Federal and State regulations.
5. Quarterly progress reports are due by the 15th of each month following the end of the quarter, unless specific exceptions are provided in writing by the grant administrator.
6. Financial Status Reports and Requests for Reimbursements must be submitted monthly or quarterly, unless specific exceptions are provided in writing by the grant administrator.

**Incorporated Documents:**

- Section A: Grant Conditions and Assurances;
- Section B: Description of Services, Scope of Work and Deliverables;
- Section C: Budget and Financial Reporting Requirements;
- Section D: Request for Reimbursement;
- Section E: Audit Information Request;
- Section F: Current/Former State Employee Disclaimer; and
- Section G: DHHS Confidentiality Addendum.

**Authorized Subrecipient Official’s Name, Title:**
Vida Keller, County Commission Board Chair

**Signature:**

**Date:**
03/10/2023

**Agency Ref #:**
11-001-57-NX-23

**Budget Account:**
3266

**Category:**
17

**GL:**
8584

**Job Number:**
9305323

**Subaward Packet (CA)**
Revised 6/19
STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES DIVISION
NOTICE OF SUBAWARD

SECTION A
GRANT CONDITIONS AND ASSURANCES

General Conditions

1. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Recipient shall at all times remain an “independent contractor” with respect to the services to be performed under this Agreement. The Department of Health and Human Services (hereafter referred to as “Department”) shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers’ Compensation Insurance as the Recipient is an independent entity.

2. The Recipient shall hold harmless, defend and indemnify the Department from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Recipient’s performance or nonperformance of the services or subject matter called for in this Agreement.

3. The Department or Recipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, and signed by a duly authorized representative of both organizations. Such amendments shall not invalidate this Agreement, nor relieve or release the Department or Recipient from its obligations under this Agreement.
   - The Department may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both the Department and Recipient.

4. Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the Scope of Work in Section B may only be undertaken with the prior approval of the Department. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, reports, or other materials prepared by the Recipient under this Agreement shall, at the option of the Department, become the property of the Department, and the Recipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.
   - The Department may also suspend or terminate this Agreement, in whole or in part, if the Recipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the Department may declare the Recipient ineligible for any further participation in the Department’s grant agreements, in addition to other remedies as provided by law. In the event there is probable cause to believe the Recipient is in noncompliance with any applicable rules or regulations, the Department may withhold funding.

Grant Assurances

A signature on the cover page of this packet indicates that the applicant is capable of and agrees to meet the following requirements, and that all information contained in this proposal is true and correct.

1. Adopt and maintain a system of internal controls which results in the fiscal integrity and stability of the organization, including the use of Generally Accepted Accounting Principles (GAAP).

2. Compliance with state insurance requirements for general, professional, and automobile liability; workers’ compensation and employer’s liability; and, if advance funds are required, commercial crime insurance.

3. These grant funds will not be used to supplant existing financial support for current programs.

4. No portion of these grant funds will be subcontracted without prior written approval unless expressly identified in the grant agreement.

5. Compliance with the requirements of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, P.L. 93-112, as amended, and any relevant program-specific regulations. and shall not discriminate against any employee for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions).


7. Compliance with the Clean Air Act (42 U.S.C. 7401–7671q,) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and sub-grants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

8. Compliance with Title 2 of the Code of Federal Regulations (CFR) and any guidance in effect from the Office of Management and Budget (OMB) related (but not limited to) audit requirements for grantees that expend $750,000 or more in Federal awards during the grantee’s fiscal year must have an annual audit prepared by an independent auditor in accordance with the terms and requirements of the appropriate circular. To acknowledge this requirement, Section E of this notice of subaward must be completed.

9. Certification that neither the Recipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. This certification is made pursuant to regulations implementing Executive Order 12549, Debarment and Suspension, 28 C.F.R. pt. 67 § 67.510, as published as pl. VII of May 26, 1988, Federal Register (pp. 19150-19211).
10. No funding associated with this grant will be used for lobbying.

11. Disclosure of any existing or potential conflicts of interest relative to the performance of services resulting from this grant award.

12. Provision of a work environment in which the use of tobacco products, alcohol, and illegal drugs will not be allowed.

13. An organization receiving grant funds through the Nevada Department of Health and Human Services shall not use grant funds for any activity related to the following:
   - Any attempt to influence the outcome of any federal, state or local election, referendum, initiative or similar procedure, through in-kind or cash contributions, endorsements, publicity or a similar activity.
   - Establishing, administering, contributing to or paying the expenses of a political party, campaign, political action committee or other organization established for the purpose of influencing the outcome of an election, referendum, initiative or similar procedure.
   - Any attempt to influence:
     - The introduction or formulation of federal, state or local legislation; or
     - The enactment or modification of any pending federal, state or local legislation, through communication with any member or employee of Congress, the Nevada Legislature or a local governmental entity responsible for enacting local legislation, including, without limitation, efforts to influence state or local officials to engage in a similar lobbying activity, or through communication with any governmental official or employee in connection with a decision to sign or veto enrolled legislation.
   - Any attempt to influence the introduction, formulation, modification or enactment of a federal, state or local rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Nevada or a local governmental entity through communication with any officer or employee of the United States Government, the State of Nevada or a local governmental entity, including, without limitation, efforts to influence state or local officials to engage in a similar lobbying activity.
   - Any attempt to influence:
     - The introduction or formulation of federal, state or local legislation; or
     - The enactment or modification of any pending federal, state or local legislation; or
     - The introduction, formulation, modification or enactment of a federal, state or local rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Nevada or a local governmental entity, by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign.
   - Legislative liaison activities, including, without limitation, attendance at legislative sessions or committee hearings, gathering information regarding legislation and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in an activity prohibited pursuant to subsections 1 to 5, inclusive.
   - Executive branch liaison activities, including, without limitation, attendance at hearings, gathering information regarding a rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Nevada or a local governmental entity and analyzing the effect of the rule, regulation, executive order, program, policy or position, when such activities are carried on in support of or in knowing preparation for an effort to engage in an activity prohibited pursuant to subsections 1 to 5, inclusive.

14. An organization receiving grant funds through the Nevada Department of Health and Human Services may, to the extent and in the manner authorized in its grant, use grant funds for any activity directly related to educating persons in a nonpartisan manner by providing factual information in a manner that is:
   - Made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television or other medium of mass communication; and
   - Not specifically directed at:
     - Any member or employee of Congress, the Nevada Legislature or a local governmental entity responsible for enacting local legislation;
     - Any governmental official or employee who is or could be involved in a decision to sign or veto enrolled legislation; or
     - Any officer or employee of the United States Government, the State of Nevada or a local governmental entity who is involved in introducing, formulating, modifying or enacting a Federal, State or local rule, regulation, executive order or any other program, policy or position of the United States Government, the State of Nevada or a local governmental entity.

This provision does not prohibit a recipient or an applicant for a grant from providing information that is directly related to the grant or the application for the grant to the granting agency.

To comply with reporting requirements of the Federal Funding and Accountability Transparency Act (FFATA), the sub-grantee agrees to provide the Department with copies of all contracts, sub-grants, and or amendments to either such documents, which are funded by funds allotted in this agreement.

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
Lyon County, hereinafter referred to as Subrecipient, agrees to provide the following services and reports according to the identified timeframes:

**Scope of Work for Lyon County**

<table>
<thead>
<tr>
<th>Compliance Item</th>
<th>Due Date</th>
<th>Indicate Subrecipient Staff Responsible (Name and Title)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reporting Schedule</td>
<td>Each report applicable to funded service, as outlined at <a href="http://adsd.nv.gov/uploadedFiles/adsdngov/content/Programs/Grant/Reporting/ReportingSchedule.pdf">http://adsd.nv.gov/uploadedFiles/adsdngov/content/Programs/Grant/Reporting/ReportingSchedule.pdf</a></td>
<td></td>
</tr>
<tr>
<td>SAMS and/or Service-Specific Report</td>
<td>10th calendar day following the month of service</td>
<td></td>
</tr>
<tr>
<td>Request for Reimbursement</td>
<td>15th calendar day following the month or quarter of service</td>
<td></td>
</tr>
<tr>
<td>Request for Reimbursement – Advance</td>
<td>15th calendar day before the month of service</td>
<td></td>
</tr>
<tr>
<td>General Service Specifications</td>
<td>Ongoing throughout subaward period – General guidelines for service provision</td>
<td></td>
</tr>
<tr>
<td>Nutrition Service Specifications</td>
<td>Ongoing throughout subaward period – Service-specific guidelines for service provision to ensure meals are NSIP-eligible.</td>
<td></td>
</tr>
<tr>
<td>NSIP Funding</td>
<td>Funds may only be used to purchase domestically produced food for the subrecipient’s Title III-C meal program(s).</td>
<td></td>
</tr>
<tr>
<td>Requirements and Procedures for Grant Programs (RPGPs)</td>
<td>Ongoing throughout subaward period – General guidelines for management of the subaward</td>
<td></td>
</tr>
</tbody>
</table>

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
SECTION C
Budget and Financial Reporting Requirements

Identify the source of funding on all printed documents purchased or produced within the scope of this subaward, using a statement similar to: "This publication (journal, article, etc.) was supported by the Nevada State Department of Health and Human Services through Grant Number 11-001-57-NX-23 from the Aging and Disability Services Division (ADSD). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Department nor ADSD.

Any activities performed under this subaward shall acknowledge the funding was provided through the Department by Grant Number 11-001-57-NX-23 from Aging and Disability Services Division (ADSD).

Subrecipient agrees to adhere to the following budget:

<table>
<thead>
<tr>
<th>Subrecipient Name</th>
<th>Subaward &amp; Service Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyon County</td>
<td>NSIP; Categorical</td>
</tr>
</tbody>
</table>

**PROPOSED BUDGET NARRATIVE**

*Nutrition Services Incentive Program (NSIP)*

<table>
<thead>
<tr>
<th>Category</th>
<th>Total:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating</td>
<td>$57,788.00</td>
</tr>
<tr>
<td>Domestically produced food for Title III-C meal program(s)</td>
<td>$57,788.00</td>
</tr>
<tr>
<td>Administrative Expenses or Federal Indirect Cost Rate (FICR)</td>
<td>N/A</td>
</tr>
<tr>
<td>TOTAL BUDGET REQUEST</td>
<td>$57,788.00</td>
</tr>
</tbody>
</table>

**PROPOSED BUDGET SUMMARY**

*Nutrition Services Incentive Program (NSIP)*

<table>
<thead>
<tr>
<th>A. FUNDING SOURCES</th>
<th>ADSD Funds</th>
<th>MATCH</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PENDING OR SECURED</td>
<td>Secured</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>ENTER TOTAL FUNDING</td>
<td>$57,788.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$57,788.00</td>
</tr>
</tbody>
</table>

**EXPENSE CATEGORY**

<table>
<thead>
<tr>
<th>Category</th>
<th>ADSD Funds</th>
<th>MATCH</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Travel/Training</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>$0.00</td>
</tr>
<tr>
<td>Operating</td>
<td>$57,788.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$57,788.00</td>
</tr>
<tr>
<td>Equipment</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Contractual/Consultant</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>Other Expenses</td>
<td>$0.00</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Indirect</td>
<td>N/A</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL EXPENSE</td>
<td>$57,788.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$57,788.00</td>
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</table>

<table>
<thead>
<tr>
<th>Total Indirect Cost</th>
<th>N/A</th>
<th>Total Agency Budget</th>
<th>ADSD Percent of Agency Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indirect % of Budget</td>
<td>N/A</td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>
The Subrecipient agrees:

To request reimbursement according to the schedule specified below for the actual expenses incurred related to the Scope of Work during the subaward period.

- Total reimbursement through this subaward will not exceed $57,788.00;
- Requests for Reimbursement will be accompanied by supporting documentation, including a line-item description of expenses incurred;
- Additional expenditure detail will be provided upon request from the Department.

Additionally, the Subrecipient agrees to provide:

- A complete financial accounting of all expenditures to the Department within 30 days of the CLOSE OF THE SUBAWARD PERIOD. Any un-obligated funds shall be returned to the Department at that time, or if not already requested, shall be deducted from the final award.
- Any work performed after the BUDGET PERIOD will not be reimbursed.
- If a Request for Reimbursement (RFR) is received after the 45-day closing period, the Department may not be able to provide reimbursement.
- If a credit is owed to the Department after the 45-day closing period, the funds must be returned to the Department within 30 days of identification.

The Department agrees:

- Identify specific items Aging and Disability Services Division must provide or accomplish to ensure successful completion of this project, such as:
  - Providing technical assistance, upon request from the Subrecipient;
  - Providing prior approval of reports or documents to be developed;
  - Forwarding a report to another party, i.e. Administration for Community Living (ACL).
- The Department reserves the right to hold reimbursement under this subaward until any delinquent forms, reports, and expenditure documentation are submitted to and accepted by the Department.

Both parties agree:

- Aging and Disability Services Division will conduct programmatic and financial monitoring of the project on an annual basis or as determined necessary based on a risk assessment.
- The Subrecipient will, in the performance of the Scope of Work specified in this subaward, perform functions and/or activities that could involve confidential information; therefore, the Subrecipient is requested to fill out Section G, which is specific to this subaward, and will be in effect for the term of this subaward.
- All reports of expenditures and requests for reimbursement processed by the Department are SUBJECT TO AUDIT.
- This subaward agreement may be TERMINATED by either party prior to the date set forth on the Notice of Subaward, provided the termination shall not be effective until 30 days after a party has served written notice upon the other party. This agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Agreement shall be terminated immediately if for any reason the Department, state, and/or federal funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

Financial Reporting Requirements

- A Request for Reimbursement is due on a monthly or quarterly basis, based on the terms of the subaward agreement, no later than the 15th of the month.
- Reimbursement is based on actual expenditures incurred during the period being reported.
- Payment will not be processed without all reporting being current.
- Reimbursement may only be claimed for expenditures approved within the Notice of Subaward.

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
### SECTION D
Request for Reimbursement

<table>
<thead>
<tr>
<th>Program Name:</th>
<th>Subrecipient Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td><strong>Address:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subaward Period:</th>
<th><strong>Subrecipient's:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>EIN:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Vendor #:</strong></td>
</tr>
</tbody>
</table>

#### FINANCIAL REPORT AND REQUEST FOR REIMBURSEMENT
*(must be accompanied by expenditure report/back-up)*

<table>
<thead>
<tr>
<th>Month(s)</th>
<th>Calendar year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Budget Category</td>
<td>A</td>
</tr>
<tr>
<td>1. Personnel</td>
<td>$0.00</td>
</tr>
<tr>
<td>2. Travel</td>
<td>$0.00</td>
</tr>
<tr>
<td>3. Operating</td>
<td>$0.00</td>
</tr>
<tr>
<td>4. Equipment</td>
<td>$0.00</td>
</tr>
<tr>
<td>5. Contractual/Consultant</td>
<td>$0.00</td>
</tr>
<tr>
<td>6. Training</td>
<td>$0.00</td>
</tr>
<tr>
<td>7. Other</td>
<td>$0.00</td>
</tr>
<tr>
<td>8. Indirect</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>

#### MATCH REPORTING

<table>
<thead>
<tr>
<th>Month(s)</th>
<th>Calendar year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Match Budget</td>
<td>B</td>
</tr>
<tr>
<td>INSERT MONTH/QUARTER</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

---

I, a duly authorized signatory for the applicant, certify to the best of my knowledge and belief that this report is true, complete and accurate; that the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the grant award; and that the amount of this request is not in excess of current needs or, cumulatively for the grant term, in excess of the total approved grant award. I am aware that any false, fictitious or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise. I verify that the cost allocation and backup documentation attached is correct.

**Authorized Signature**

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th><strong>Date</strong></th>
</tr>
</thead>
</table>

---

FOR DEPARTMENT USE ONLY

<table>
<thead>
<tr>
<th>Is program contact required?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Person:</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reason for contact:**

**Fiscal review/approval date:**

**Scope of Work review/approval date:**

**ASO or Chief (as required):**

---

Subaward Packet (CA)
Revised 6/19

Page 7 of 11

Agency Ref. #: 11-001-57-NX-23

99
SECTION E
Audit Information Request

1. Non-Federal entities that expend $750,000.00 or more in total federal awards are required to have a single or program-specific audit conducted for that year, in accordance with 2 CFR § 200.501(a).

2. Did your organization expend $750,000 or more in all federal awards during your organization’s most recent fiscal year? YES ☐ NO ☐

3. When does your organization’s fiscal year end? ________________________________________________

4. What is the official name of your organization? ________________________________________________

5. How often is your organization audited? _______________________________________________________

6. When was your last audit performed? __________________________________________________________

7. What time-period did your last audit cover? ____________________________________________________

8. Which accounting firm conducted your last audit? ________________________________________________

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
SECTION F
Notification of Utilization of Current or Former State Employee

For the purpose of State compliance with NRS 333.705, subrecipient represents and warrants that if subrecipient, or any employee of subrecipient who will be performing services under this subaward, is a current employee of the State or was employed by the State within the preceding 24 months, subrecipient has disclosed the identity of such persons, and the services that each such person will perform, to the issuing Agency. Subrecipient agrees they will not utilize any of its employees who are Current State Employees or Former State Employees to perform services under this subaward without first notifying the Agency and receiving from the Agency approval for the use of such persons. This prohibition applies equally to any subcontractors that may be used to perform the requirements of the subaward. The provisions of this section do not apply to the employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees’ Retirement System (PERS) during the duration of the subaward.

Are any current or former employees of the State of Nevada assigned to perform work on this subaward?

YES ☐ If "YES", list the names of any current or former employees of the State and the services that each person will perform.

NO ☐

Subrecipient agrees that if a current or former state employee is assigned to perform work on this subaward at any point after execution of this agreement, they must receive prior approval from the Department.

<table>
<thead>
<tr>
<th>Name</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subrecipient agrees that any employees listed cannot perform work until approval has been given from the Department.

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
SECTION G
Confidentiality Addendum

BETWEEN

Nevada Department of Health and Human Services
Hereinafter referred to as “Department”

and

Lyon County
Hereinafter referred to as “Subrecipient”

This CONFIDENTIALITY ADDENDUM (the Addendum) is hereby entered into between Department and Subrecipient.

WHEREAS, Subrecipient may have access, view or be provided information, in conjunction with goods or services provided by Subrecipient to Department that is confidential and must be treated and protected as such.

NOW, THEREFORE, Department and Subrecipient agree as follows:

I. DEFINITIONS

The following terms shall have the meaning ascribed to them in this Section. Other capitalized terms shall have the meaning ascribed to them in the context in which they first appear.

1. Agreement shall refer to this document and that agreement to which this addendum is made a part.

2. Confidential Information shall mean any individually identifiable information, health information or other information in any form or media.

3. Subrecipient shall mean the name of the organization described above.

4. Required by Law shall mean a mandate contained in law that compels a use or disclosure of information.

II. TERM

The term of this Addendum shall commence as of the effective date of the primary inter-local or other agreement and shall expire when all information provided by Department or created by Subrecipient from that confidential information is destroyed or returned, if feasible, to Department pursuant to Clause VI (4).

III. LIMITS ON USE AND DISCLOSURE ESTABLISHED BY TERMS OF CONTRACT OR LAW

Subrecipient hereby agrees it shall not use or disclose the confidential information provided, viewed or made available by Department for any purpose other than as permitted by Agreement or required by law.

IV. PERMITTED USES AND DISCLOSURES OF INFORMATION BY SUBRECIPIENT

Subrecipient shall be permitted to use and/or disclose information accessed, viewed or provided from Department for the purpose(s) required in fulfilling its responsibilities under the primary agreement.

V. USE OR DISCLOSURE OF INFORMATION

Subrecipient may use information as stipulated in the primary agreement if necessary for the proper management and administration of Subrecipient; to carry out legal responsibilities of Subrecipient; and to provide data aggregation services relating to the health care operations of Department. Subrecipient may disclose information if:

1. The disclosure is required by law; or

2. The disclosure is allowed by the agreement to which this Addendum is made a part; or

3. The Subrecipient has obtained written approval from the Department.

VI. OBLIGATIONS OF SUBRECIPIENT

1. Agents and Subcontractors. Subrecipient shall ensure by subcontract that any agents or subcontractors to whom it provides or makes available information, will be bound by the same restrictions and conditions on the access, view or use of confidential information that apply to Subrecipient and are contained in Agreement.
2. **Appropriate Safeguards.** Subrecipient will use appropriate safeguards to prevent use or disclosure of confidential information other than as provided for by Agreement.

3. **Reporting Improper Use or Disclosure.** Subrecipient will immediately report in writing to Department any use or disclosure of confidential information not provided for by Agreement of which it becomes aware.

4. **Return or Destruction of Confidential Information.** Upon termination of Agreement, Subrecipient will return or destroy all confidential information created or received by Subrecipient on behalf of Department. If returning or destroying confidential information at termination of Agreement is not feasible, Subrecipient will extend the protections of Agreement to that confidential information as long as the return or destruction is infeasible. All confidential information of which the Subrecipient maintains will not be used or disclosed.

IN WITNESS WHEREOF, Subrecipient and the Department have agreed to the terms of the above written Addendum as of the effective date of the agreement to which this Addendum is made a part.

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
15.c

Subject:
For Possible Action: Accept the Notice of Subgrant Award Amendment from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, for SFY2023, to increase funding in the amount of $43,926.13 for a total of $152,224.13 and extend the grant period to an ending date of December 31, 2023.

Summary:
This is an amendment to extend the current funding period. Under the current language, the grant funding period will end June 30, 2023. The proposed amendment will extend the funding period to end December 31, 2023. This also increases funding by $43,926.13 for a total award of $152,224.13.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Accept the Notice of Subgrant Award Amendment from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, for SFY2023, to increase funding in the amount of $43,926.13 for a total of $152,224.13 and extend the grant period to an ending date of December 31, 2023.

ATTACHMENTS
- FY23 American Rescue Plan Act Grant Amendment 3
SUBAWARD AMENDMENT #3

Program Name: ADSD Planning, Advocacy and Community Services (PAC) Unit
Grants Management
Contact Name: Jeanette Garcia, Jeanette@adsd.nv.gov

Subrecipient’s Name: Lyon County
Contact Name: Andrew Haskin, Interim County Manager / ahaskin@lyon-county.org

Address: 3208 Goni Road, #I-181
Carson City, NV 89706

Address: 27 South Main Street
Yerington, NV 89447

Subaward Period:
Project Period: 1/1/2022 – 12/31/2023
Budget Period: 1/1/2022 – 06/30/2022 (Year 1)
Budget Period: 7/1/2022 – 12/31/2023 (Year 2)

Amendment Effective Date: Upon approval by all parties.

This amendment reflects a change to:
☐ Scope of Work
☒ Term
☒ Budget

Reason for Amendment: Supplemental Funding and Extension of Subaward Period

Required Changes:
Current Language:
Subaward Period:
Project Period: 1/1/2022 – 6/30/2023
Budget Period: 1/1/2022 – 6/30/2022 (Year 1)
Budget Period: 7/1/2022 – 6/30/2023 (Year 2)
Total reimbursement through this subaward will not exceed $108,298.00. See Section C of the original subaward and Amendments #1-2.

Amended Language:
Subaward Period:
Project Period: 1/1/2022 – 12/31/2023
Budget Period: 1/1/2022 – 06/30/2022 (Year 1)
Budget Period: 7/1/2022 – 12/31/2023 (Year 2)
Total reimbursement through this subaward will not exceed $152,224.13. See attached Section C revised on 03/10/2023.

Approved Budget Categories

<table>
<thead>
<tr>
<th>Current Budget</th>
<th>Amended Adjustments</th>
<th>Revised Budget</th>
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</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Travel</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Operating</td>
<td>$7,200.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$101,098.00</td>
<td>$43,926.13</td>
</tr>
<tr>
<td>Contractual/Consultant</td>
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<td>$0.00</td>
</tr>
<tr>
<td>Training</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Other</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>TOTAL DIRECT COSTS</td>
<td>$108,298.00</td>
<td>$43,926.13</td>
</tr>
<tr>
<td>Indirect Costs</td>
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<tr>
<td>TOTAL APPROVED BUDGET</td>
<td>$108,298.00</td>
<td>$43,926.13</td>
</tr>
</tbody>
</table>

Incorporated Documents:
Notice of Subaward - Federal Funding Sheet
Section C: Budget and Financial Reporting Requirements

By signing this Amendment, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the original subaward and all of its attachments.

Authorized Subrecipient Official’s Name, Title:
Dave Hockaday, Chairman
Lyon County Board of Commissioners

______________________________
Signature
Date 03/10/2023

Jeffrey S. Duncan, Agency Manager
For Dena Schmidt, ADSD Administrator

Subaward Amendment #3 Page 1 of 5 105
Federal Award Computation

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Total Obligated by this Action</td>
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</tr>
<tr>
<td>Cumulative Prior Awards this Budget Period</td>
<td>$ 108,298.00</td>
</tr>
<tr>
<td>Total Federal Funds Awarded to Date</td>
<td>$ 108,298.00</td>
</tr>
<tr>
<td>Match Required ☐ Y ☒ N</td>
<td></td>
</tr>
<tr>
<td>Amount Required this Action</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Amount Required Prior Awards</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Total Match Amount Required</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Research and Development (R&amp;D) ☐ Y ☒ N</td>
<td></td>
</tr>
</tbody>
</table>

Federal Budget Period:
04/01/2021 – 09/30/2024

Federal Project Period:
04/01/2021 – 09/30/2024

FOR AGENCY USE ONLY

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>% Funds</th>
<th>CFDA:</th>
<th>FAIN:</th>
<th>FEDERAL GRANT #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration for Community Living (ACL); American Rescue Plan (ARP) for Congregate Meals under Title III-C1 of the OAA (CMC6), 3266.57 / 93045A11</td>
<td>71.14%</td>
<td>93.045</td>
<td>N/A</td>
<td>2101NVCMC6-00</td>
</tr>
</tbody>
</table>

Federal Grant Award Date by Federal Agency: 5/3/2021

---

Federal Award Computation

Total Obligated by this Action: $ 43,926.13
Cumulative Prior Awards this Budget Period: $
Total Federal Funds Awarded to Date: $ 43,926.13

Match Required ☐ Y ☒ N
Amount Required this Action: $
Amount Required Prior Awards: $
Total Match Amount Required: $
Research and Development (R&D) ☐ Y ☒ N

Federal Budget Period:
04/01/2021 – 09/30/2024

Federal Project Period:
04/01/2021 – 09/30/2024

FOR AGENCY USE ONLY

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>% Funds</th>
<th>CFDA:</th>
<th>FAIN:</th>
<th>FEDERAL GRANT #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration for Community Living (ACL); American Rescue Plan (ARP) for Home Delivered Meals under Title III-C2 of the OAA (HDC6), 3266.57 / 93045A12</td>
<td>28.86%</td>
<td>93.045</td>
<td>N/A</td>
<td>2101NVHDC6-00</td>
</tr>
</tbody>
</table>

Federal Grant Award Date by Federal Agency: 5/3/2021
SECTION C - AMENDED
Budget and Financial Reporting Requirements

Identify the source of funding on all printed documents purchased or produced within the scope of this subaward, using a statement similar to: “This publication (journal, article, etc.) was supported by the Nevada State Department of Health and Human Services through Grant Number 11-001-76-1C6X-22 from the Aging and Disability Services Division (ADSD). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Department nor ADSD.

Any activities performed under this subaward shall acknowledge the funding was provided through the Department by Grant Number 11-001-76-1C6X-22 from Aging and Disability Services Division (ADSD).

Subrecipient agrees to adhere to the following budget:

<table>
<thead>
<tr>
<th>Applicant Name: Lyon County</th>
<th>Subaward &amp; Service Type: Categorical; Capital improvements</th>
</tr>
</thead>
</table>

**PROPOSED BUDGET NARRATIVE - FY22**
QAA - ARPA projects funded up to June 30, 2023

**Operating**
Total: $7,200.00

<table>
<thead>
<tr>
<th>Description Below:</th>
<th>Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sneeze Guards installed at the Yerington and Silver Springs Senior Centers, $950 ea., and Dayton Senior Center, $300. Roll-up door installed at Yerington Senior Center to protect staff and food from potential contamination, $2,000, with an increase of $2,400 to the Yerington Senior Center door.</td>
<td>$7,200.00</td>
</tr>
<tr>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>$0.00</td>
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<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Equipment**
Total: $145,024.13

<table>
<thead>
<tr>
<th>Description(s) Below:</th>
<th>Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) HotShot delivery vehicles with hot/cold boxes for delivery of Home Delivered Meals through the Silver Springs and Dayton Senior Centers; $7,251.02 ea.</td>
<td>$145,024.13</td>
</tr>
<tr>
<td>$0.00</td>
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</tr>
</tbody>
</table>

**TOTAL DIRECT PROJECT COSTS**
$152,224.13

**Administrative Expenses**
Total: $0.00

Enter percentage of administrative expenses included in this budget in the Rate box and the equivalent funding in the yellow box.

| Rate: | 0.00% |

**TOTAL BUDGET REQUEST**
$152,224.13
### PROPOSED BUDGET SUMMARY - FY22

**OAA - ARPA Projects**

<table>
<thead>
<tr>
<th>Expense Category</th>
<th>ADSD Funds</th>
<th>MATCH</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Indirect Cost</td>
<td>$0.00</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>Indirect % of Budget</td>
<td>0.00%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Agency Budget**: $175,058.13

ADSD Percent of Agency Budget: 87%

---

**B. Comments regarding budget summary, if applicable.**

N/A

**C. Identify specific source(s) of Match, as applicable, and indicate whether each source of match is Secured or Pending.**

Lyon County Personnel

**D. List potential amounts and sources of program income (required); and describe if the project plans to have a sliding fee scale or voluntary contributions.**

N/A
• Department of Health and Human Services policy allows no more than 10% flexibility of the total, not to exceed amount of the subaward, within the approved Scope of Work/Budget. Subrecipient will obtain written permission to redistribute funds within categories. Note: the redistribution cannot alter the total not to exceed amount of the subaward. Modifications in excess of 10% require a formal amendment.

• Equipment purchased with these funds belongs to the federal or state program from which this funding was appropriated and shall be returned to the program upon termination of this agreement.

• Travel expenses, per diem, and other related expenses must conform to the procedures and rates allowed for State officers and employees. It is the Policy of the Board of Examiners to restrict contractors/ Subrecipients to the same rates and procedures allowed State Employees. The State of Nevada reimburses at rates comparable to the rates established by the US General Services Administration, with some exceptions (State Administrative Manual 0200.0 and 0320.0).

The Subrecipient agrees:

To request reimbursement according to the schedule specified below for the actual expenses incurred related to the Scope of Work during the subaward period.

• Total reimbursement through this subaward will not exceed $152,224.13;
• Requests for Reimbursement will be accompanied by supporting documentation, including a line item description of expenses incurred;
• Additional expenditure detail will be provided upon request from the Department.

Additionally, the Subrecipient agrees to provide:

• A complete financial accounting of all expenditures to the Department within 30 days of the CLOSE OF THE SUBAWARD PERIOD. Any un-obligated funds shall be returned to the Department at that time, or if not already requested, shall be deducted from the final award.
• Any work performed after the BUDGET PERIOD will not be reimbursed.
• If a Request for Reimbursement (RFR) is received after the 45-day closing period, the Department may not be able to provide reimbursement.
• If a credit is owed to the Department after the 45-day closing period, the funds must be returned to the Department within 30 days of identification.

The Department agrees:

• Identify specific items Aging and Disability Services Division must provide or accomplish to ensure successful completion of this project, such as:
  ▪ Providing technical assistance, upon request from the Subrecipient;
  ▪ Providing prior approval of reports or documents to be developed;
  ▪ Forwarding a report to another party, i.e. Administration for Community Living (ACL).
• The Department reserves the right to hold reimbursement under this subaward until any delinquent forms, reports, and expenditure documentation are submitted to and accepted by the Department.

Both parties agree:

• Aging and Disability Services Division will conduct programmatic and financial monitoring of the project on an annual basis or as determined necessary based on a risk assessment.
• The Subrecipient will, in the performance of the Scope of Work specified in this subaward, perform functions and/or activities that could involve confidential information; therefore, the Subrecipient is requested to fill out Section G, which is specific to this subaward, and will be in effect for the term of this subaward.
• All reports of expenditures and requests for reimbursement processed by the Department are SUBJECT TO AUDIT.
• This subaward agreement may be TERMINATED by either party prior to the date set forth on the Notice of Subaward, provided the termination shall not be effective until 30 days after a party has served written notice upon the other party. This agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Agreement shall be terminated immediately if for any reason the Department, state, and/or federal funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

Financial Reporting Requirements

• A Request for Reimbursement is due on a monthly or quarterly basis, based on the terms of the subaward agreement, no later than the 15th of the month.
• Reimbursement is based on actual expenditures incurred during the period being reported.
• Payment will not be processed without all reporting being current.

Compliance with this section is acknowledged by signing the subaward cover page of this packet.
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
15.d

Subject:
For Possible Action: Approve the Authorizing Resolution allowing the Director of Lyon County Human Services to apply for Nevada Department of Transportation grant funding to aid in the financing of capital and operating assistance projects.

Summary:
Lyon County Human Services intends to apply for funding with the Nevada Department of Transportation 5311 application addendum for operating assistance and the Nevada Department of Transportation 5339 application addendum for a capital purchase of new vehicles. This application is to assist with partial funding for Senior Services staff salaries to provide deviated fixed-route transportation services to the Lyon County population. The program also offers limited transportation to individuals with disabilities.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve the Authorizing Resolution allowing the Director of Lyon County Human Services to apply for Nevada Department of Transportation grant funding to aid in the financing of capital and operating assistance projects.

ATTACHMENTS
• Nevada Department of Transportation Authorizing Resolution
A resolution authorizing the submittal of a proposal or proposals with the Nevada Department of Transportation (Nevada DOT) for grants through the U.S. Department of Transportation (USDOT) Federal Transit Administration (FTA), as authorized under Federal Transit Law and funds available from the Nevada Public Transportation Grant Program and executing a contract with the Nevada Department of Transportation upon grant proposal acceptance.

WHEREAS, the Director of the Nevada Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance, that the Applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY __________________________________________________, (GOVERNING BODY OF APPLICANT)

1. The ________________________________________(job title) is authorized to execute and submit an application on behalf of APPLICANT with the Nevada DOT to aid in the financing of capital and operating assistance projects and the Nevada Public Transportation Grant Program.

2. The ________________________________________(job title) is authorized to execute and file with such application and assurance or any other document required by the USDOT effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. The ________________________________________(job title) is authorized to furnish such additional information as the Nevada DOT may require in connection with the application for the program of projects submitted to the FTA.

4. The ________________________________________(job title) is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.

5. The ________________________________________(job title) is authorized to execute grant agreements on behalf of APPLICANT with the Nevada DOT for aid in the financing of operating and capital assistance projects.

The undersigned duly qualified and acting Authorized Signer of the Governing Body of Applicant certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the _____________________________________________ (GOVERNING BODY OF APPLICANT) held on _______________________, _________.

( MONTH DAY )                    ( YEAR )

______________________________ _________________________
Signature of Authorized Signer Date

Name of Authorized Signer

Title of Authorized Signer

Page | 2
AUTHORIZING RESOLUTION

Resolution No. ____________________________ Lyon County Board of Commissioners

Legal name (and DBA, if applicable) of the Applicant

A resolution authorizing the submittal of a proposal or proposals with the Nevada Department of Transportation (Nevada DOT) for grants through the U.S. Department of Transportation (USDOT) Federal Transit Administration (FTA), as authorized under Federal Transit Law and funds available from the Nevada Public Transportation Grant Program and executing a contract with the Nevada Department of Transportation upon grant proposal acceptance.

WHEREAS, the Director of the Nevada Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance, that the Applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY ____________________________

(GOVERNING BODY OF APPLICANT)

1. The Director, Lyon County Human Services (job title) is authorized to execute and submit an application on behalf of APPLICANT with the Nevada DOT to aid in the financing of capital and operating assistance projects and the Nevada Public Transportation Grant Program.

2. The Director, Lyon County Human Services (job title) is authorized to execute and file with such application and assurance or any other document required by the USDOT effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. The Director, Lyon County Human Services (job title) is authorized to furnish such additional information as the Nevada DOT may require in connection with the application for the program of projects submitted to the FTA.

4. The Director, Lyon County Human Services (job title) is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.

5. The Director, Lyon County Human Services (job title) is authorized to execute grant agreements on behalf of APPLICANT with the Nevada DOT for aid in the financing of operating and capital assistance projects.

The undersigned duly qualified and acting Authorized Signer of the Governing Body of Applicant certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Lyon County Board of Commissioners

(GOVERNING BODY OF APPLICANT)

held on April 6, ___________ 2023

(MONTH DAY) (YEAR)

________________________
Signature of Authorized Signer

Dave Hockaday
Name of Authorized Signer

________________________
Date

Chairman, Lyon County Board of Commissioners

________________________
Title of Authorized Signer

Nevada DOT Federal Grant Application
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
16.a

Subject:
For Possible Action: Approve the annual Virginia City Hillclimb event for September 16-17th, 2023 (requested by Ferrari Club of America-Pacific Region).

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  • Letter of Request
March 20, 2023

RE: ANNUAL VIRGINIA CITY HILLCLIMB

Erin Lopez
LYON COUNTY BOARD OF COMMISSIONERS
31 South Main Street
Yarington, Nevada 89447

Dear Erin,

As we are in the process of making plans for our 2023 Hillclimb at Virginia City, we would once again respectfully ask the County Commissioners TO APPROVE OUR PLANS AND DATES. We are setting the dates of September 16th and 17th 2023. By this letter we are requesting for their approval as part of our application to the Nevada Department of Transportation for temporary road occupancy permit for SR 341 on these dates. As always, we will ensure passage for oversize vehicles and residents.

We would greatly appreciate your bringing this matter before the board and I will gladly provide any additional information, if needed. As in our precedence in the past, I will be available to answer any questions that are generated. This will be our 52nd year of safely operating this event. Would you please advise me of the Commissioners concurrence by letter so I can attach to my NDOT application?

Sincerely,

Dennis Chiodo

Event Chairman, Virginia City Hillclimb
Meeting Date: April 6, 2023

Agenda Item Number: 16.b

Subject: For Possible Action: Approve a resolution renaming the Silver and Gold Fund to become the Senior Services Fund.

Summary: Renaming the Silver and Gold Fund to the Senior Services Fund will make the purpose of the fund more self-evident and also result in fewer questions on tax bills.

Financial Department Comments: Approval Recommended.

Approved As To Legal Form:

County Manager Comments:

Recommendation: Approve a resolution renaming the Silver and Gold Fund to become the Senior Services Fund.

ATTACHMENTS
- Resolution Renaming the Silver and Gold Fund to the Senior Services Fund
RESOLUTION No. ____________

A RESOLUTION RENAMING THE SILVER AND GOLD FUND TO BECOME THE SENIOR SERVICES FUND

WHEREAS, pursuant to NRS 354.604(2)(b), Lyon County may maintain a special revenue fund according to its needs, and

WHEREAS, the Lyon County Board of Commissioners determines that renaming the Silver and Gold Fund to become the Senior Services Fund is necessary,

NOW, THEREFORE, BE IT RESOLVED, that the Lyon County Board of Commissioners (“Board”) renames the Silver and Gold Fund to become the Senior Services Fund (“Fund”). The purpose of the Fund is to account for the monies set aside for providing services for the welfare of the senior citizens of Lyon County. The expenditures and revenues of the fund shall be controlled by the Board. The Board shall determine whether the balance, reserve, or retained earnings of the fund are reasonable and necessary to carry out the purposes of the fund. Upon dissolution of the Fund, no transfer of equity that may be made available to other funds or functions may be declared until after all proper obligations have been charged against the Fund.

PASSED, ADOPTED and APPROVED this 6th day of March, 2023, by the following vote of the Lyon County Board of Commissioners.

AYES:                                                                                                      

NAYS:                                                                                                      

ABSENT:                                                                                                     

ABSTENTIONS:                                                                                                 

115
LYON COUNTY BOARD OF COMMISSIONERS

By: Chairman

Attest:

Lyon County Clerk
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 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

- Cash Report 3-15-23
- Claims Report 3-1-23 to 3-15-23
## Lyon County Balance

### Governmental Funds

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>22,028,024.39</td>
</tr>
<tr>
<td>Park Construction Tax</td>
<td>961,228.87</td>
</tr>
<tr>
<td>Cooperative Extension</td>
<td>490,335.86</td>
</tr>
<tr>
<td>Unemployment</td>
<td>430,908.88</td>
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<tr>
<td>Room Tax</td>
<td>97,076.66</td>
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<tr>
<td>County Stabilization</td>
<td>3,450,000.00</td>
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<tr>
<td>Aid to Domestic Violence</td>
<td>115.00</td>
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<tr>
<td>Vehicle Acquisition</td>
<td>466,691.06</td>
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<tr>
<td>Fair &amp; Rodeo</td>
<td>208,991.65</td>
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<tr>
<td>Justice Court Special Assessment</td>
<td>1,009,566.69</td>
</tr>
<tr>
<td>District Court Restricted Fees</td>
<td>762,367.47</td>
</tr>
<tr>
<td>Juvenile Probation Special Assessment</td>
<td>40,364.47</td>
</tr>
<tr>
<td>Library Gift</td>
<td>13,347.06</td>
</tr>
<tr>
<td>Mining Claim Map</td>
<td>19,134.07</td>
</tr>
<tr>
<td>911 Surcharge</td>
<td>629,252.83</td>
</tr>
<tr>
<td>Animal Control Donations</td>
<td>44,182.67</td>
</tr>
<tr>
<td>Road</td>
<td>509,701.65</td>
</tr>
<tr>
<td>R T C</td>
<td>16,746,631.78</td>
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<td>Road Improvement</td>
<td>1,785,726.96</td>
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<tr>
<td>Opioid Settlement</td>
<td>440,355.48</td>
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<tr>
<td>General Indigent</td>
<td>293,952.54</td>
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<td>Medical Indigent</td>
<td>4,445,433.94</td>
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<td>Senior Services</td>
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<td>Senior Services Donations</td>
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<tr>
<td>Capital Improvements</td>
<td>22,164,242.83</td>
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<td><strong>Subtotal Governmental Funds</strong></td>
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### Enterprise Funds

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<thead>
<tr>
<th>Fund Name</th>
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<tr>
<td>Dayton Water Utility</td>
<td>14,715,599.95</td>
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<tr>
<td>Dayton Sewer Utility</td>
<td>13,392,799.61</td>
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<tr>
<td><strong>Subtotal Enterprise Funds</strong></td>
<td><strong>28,108,399.56</strong></td>
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### Component Unit Funds

<table>
<thead>
<tr>
<th>Fund Name</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Mason Valley Mosquito Control District</td>
<td>928,760.83</td>
</tr>
<tr>
<td>Central Lyon County Vector Control District</td>
<td>414,343.31</td>
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<tr>
<td>Walker River Weed Control District</td>
<td>205,954.34</td>
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<tr>
<td>Silver Springs General Improvement District</td>
<td>4,022,936.65</td>
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<tr>
<td>Willow Creek General Improvement District</td>
<td>713,804.67</td>
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<tr>
<td><strong>Subtotal Component Unit Funds</strong></td>
<td><strong>6,285,799.80</strong></td>
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### Total Lyon County

<table>
<thead>
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<th>Fund Name</th>
<th>Balance</th>
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<tbody>
<tr>
<td><strong>Total Lyon County</strong></td>
<td><strong>112,323,969.81</strong></td>
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### Total Custodial Funds

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Custodial Funds</strong></td>
<td><strong>22,174,103.51</strong></td>
</tr>
</tbody>
</table>

### Cash Report:

- **March 15, 2023**
- **Wells Fargo Bank Checking** 28,520,275.93
- **Local Government Investment Pool** 106,157,182.93
- **Inmate Trust** 33,521.22
- **Fernley Swimming Pool Imprest** 300.00
- **Dayton Utilities Imprest** 500.00
- **Silver Springs GID Imprest** 500.00
- **Petty Cash** 6,883.00

### Summary:

- **Lyon County** 112,323,969.81
- **Custodial Funds** 22,174,103.51
- **Unallocated Cash**
  - Unapportioned Secured Taxes
  - Unapportioned Unsecured Taxes
  - Unapportioned Purchase Cards 40,391.29
  - Unapportioned Interest 261,481.05

### Total

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
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<tbody>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>134,719,163.08</strong></td>
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## CLAMS REPORT
**MARCH 1 THROUGH MARCH 15, 2023**

<table>
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<tr>
<th>LYON COUNTY</th>
<th>BILLS</th>
<th>PAYROLL</th>
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</thead>
<tbody>
<tr>
<td><strong>Governmental Funds</strong></td>
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<td></td>
</tr>
<tr>
<td>General</td>
<td>429,295.29</td>
<td>1,112,123.05</td>
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<td>Employee Benefits</td>
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<td>Co-Op Extension</td>
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<td>Room Tax</td>
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<tr>
<td>Aid to Domestic Violence</td>
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<td>Vehicle Acquisition</td>
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<td>Fair and Rodeo</td>
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<td>Capital Improvements</td>
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<td>Justice Court Special Assessment</td>
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<td>District Court Restricted Fees</td>
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<td>Juvenile Probation Special Assessment</td>
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<td>Mining Claim Map</td>
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<td>R T C</td>
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<td>Road Improvement</td>
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<td>Opioid Settlement</td>
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<td>Senior Services</td>
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<td>Senior Services Donations</td>
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<td>Animal Control Donations</td>
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<td><strong>Enterprise Funds</strong></td>
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<tr>
<td>Dayton Water Utility</td>
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<tr>
<td>Dayton Sewer Utility</td>
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<tr>
<td><strong>Component Unit Funds</strong></td>
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</tr>
<tr>
<td>Mason Valley Mosquito Control District</td>
<td>471.48</td>
<td>4,672.62</td>
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<tr>
<td>Central Lyon Vector Control District</td>
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<tr>
<td>Walker River Weed Control District</td>
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<tr>
<td>Silver Springs General Improvement District</td>
<td>9,606.85</td>
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<tr>
<td>Willowcreek General Improvement District</td>
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<tr>
<td><strong>Subtotal</strong></td>
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<td>1,449,360.28</td>
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<tr>
<th>TRUST AND AGENCY</th>
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Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 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 3-1-23 to 3-15-23
## LYON COUNTY TRAVEL REPORT
**March 1-15, 2023**

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<td>Abram Minnitte</td>
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**Total Amount:** 16,511.64
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

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 HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, located in Dayton, NV.

Summary:
The applicant is requesting the release of the Improvement Bond for the subdivision known as HERITAGE RANCH ESTATES, PHASES 1 & 2, to be replaced with a 10% Maintenance/Warranty Bond in the form of a Cashier’s Check.
A Performance Improvement Bond was provided, at the time of recording the Final 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. The Certificate of Completion specifically excludes Lakeside Blvd which will be included with a future phase.
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 HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, 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 HERITAGE RANCH ESTATES, PHASES 1 & 2, Dayton, NV (APN 016-406-15)
ATTACHMENTS
- Staff Report and Backup
MEETING DATE: APRIL 6, 2023

ITEM #:__________

TITLE:
Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, located in Dayton, NV

SUMMARY:
The applicant is requesting the release of the Improvement Bond for the subdivision known as HERITAGE RANCH ESTATES, PHASES 1 & 2, to be replaced with a 10% Maintenance/Warranty Bond in the form of a Cashier’s Check.

A Performance Improvement Bond was provided, at the time of recording the Final 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. The Certificate of Completion specifically excludes Lakeside Blvd which will be included with a future phase.

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 HERITAGE RANCH ESTATES SUBDIVISION, PHASES 1 & 2, 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 HERITAGE RANCH ESTATES, PHASES 1 & 2, Dayton, NV (APN 016-406-15)

For Information:
Louis Cariola, 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
Certificate of Completion
March 13, 2023

Kerry Page
Lyon County Planning Assistant
Community Development
27 South Main Street
Yerington, Nevada 89447

RE: HERITAGE RANCH PHASES 1 AND 2 ESTIMATE APPROVAL; [Project No. PLZ-17-0052]

Dear Ms. Page,

DOWL has performed a compliance Review of the estimate for the above referenced project.

The estimate is comparable with current construction materials pricing and is approved. Please forward this letter to the proper party to notify them of approval.

Feel free to contact me with any questions or concerns; I can be reached at 851-4788.

Please reference the above noted Project No. on all correspondences.

Sincerely,

Danny Sommers
DOWL
Senior Project Manager

Enc.
### A. SITE IMPROVEMENTS

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<th>UNIT PRICE</th>
<th>TOTAL</th>
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**SUBTOTAL FOR SITE IMPROVEMENTS:** $1,015,660

### B. SANITARY SEWER SYSTEM IMPROVEMENTS

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**SUBTOTAL FOR SANITARY SEWER SYSTEM IMPROVEMENTS:** $107,090

### C. WATER SYSTEM IMPROVEMENTS

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**SUBTOTAL FOR WATER SYSTEM IMPROVEMENTS:** $312,540

### D. STORM DRAINAGE SYSTEM IMPROVEMENTS

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**SUBTOTAL FOR STORM DRAINAGE SYSTEM IMPROVEMENTS:** $1,27,370
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<td>$1,175</td>
<td>$72,850</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Detention Pond Outlet Structure (48&quot;)</td>
<td>3</td>
<td>$6,000</td>
<td>$18,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Detention Pond Outlet Structure (60&quot;)</td>
<td>1</td>
<td>$6,500</td>
<td>$6,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUBTOTAL FOR STORM DRAINAGE SYSTEM IMPROVEMENTS:** $558,080

**TOTAL ENGINEER’S PRELIMINARY ESTIMATE OF WARRANTY COSTS:** $1,993,400

**REQUIRED FINANCIAL SECURITY @ 10%:** $199,340

Notes:
1. Item totals and category subtotals have been rounded to the nearest $10.
2. Quantities and bid items are based on final improvement plans.
3. Costs for concrete flatwork, curb and gutter, and asphalt concrete paving include subgrade preparation and compacted aggregate.

Prepared by Robert O. Anderson, PE, CFM, WRS, NV License No. 7767, per NAC 625.610.12 "A licensee is not required to stamp the following documents: ... (c) An estimate of the costs of a project."

[Signature]

Robert O. Anderson

Exp. 12.31.24

Civil

No. 7767

2/16/23
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 Heritage Ranch Phases 1 and 2 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 6th day of March 2023.

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
CERTIFICATE OF COMPLETION

To: Community Development – Planning Division
From: David Bruketta, Utilities Director
Regarding: Heritage Ranch Phase 1 and 2

I, David Bruketta, Lyon County Utilities Director, do hereby certify that the construction of the improvements within the Heritage Ranch Phase 1 and 2 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 6 day of March, 2023.

\[Signature\]

David Bruketta,
Lyon County Utilities Director

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 COMPLETION

I, Dustin Homan, Lyon County Road Department Director, do hereby certify that the construction of the improvements within the Heritage Ranch Subdivision Phase 1 & 2 located in Dayton, Nevada, which are further identified as Lyon County public rights-of-way 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 once the Phases are 90% built out, by the Lyon County Board of Commissioners.

Dated this 22 day of February, 2023.

Dustin Homan,
Lyon County Road Department Director

Recording requested by:
Lyon County Comm. Development
Planning Division
27 South Main Street
Yerington, NV 89447
February 15, 2023

Santa Ynez Construction Co.
PO Box 489
Minden, NV 89423

Project address: Heritage Ranch subdivision Phases 1 & 2
Occupancy type: R-3
Construction type: VB
Occupant Load: residential
Project Area: civil improvements

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 for vertical construction. Civil improvements have been completed for phases 1 and 2 and you are approved for combustible material staging.

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 charges. If any deviation should
occur from original plans, please re-submit an electronic copy of “as built” plans within 30 days of project completion.

If you have any questions or concerns, please feel free to contact me directly at (775)508-9141 or via email at emink@centralfirenv.org.

Sincerely,

Elizabeth Mink
Deputy Fire Marshal
Central Lyon Fire
246 Dayton Valley Rd Suite 106
Dayton, NV 89403
(775)246 6209 office
(775)508 9141 mobile
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
18.a

Subject:
For Possible Action: To approve the request for a Zoning Map Amendment from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
- Advisory Board Letter of transmittal
LYON COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING * DEVELOPMENT ENGINEERING * PLANNING
CODE ENFORCEMENT * ECONOMIC DEVELOPMENT
27 SOUTH MAIN STREET
YERINGTON, NV 89447
PHONE: 775-463-6592   FAX: 775-463-5305
WEBSITE: www.lyon-county.org

STAFF REPORT and
PLANNING COMMISSION ACTION

PLZ-2023-002

Proposed Action: Zoning Map Amendments
Meeting Date: April 6, 2023
Owner: Microsoft Corporation
Applicant: Microsoft Corporation
Representative: Wood Rodgers / Stacie Huggins
Community: Silver Springs
Locations: North of US Highway 50, ~1/3 mile west of the intersection with US Highway 95A
Parcel Sizes (~acres): 5.08 ac., 5.08 ac., 5.07 ac., 5.07 ac., 10.57 respectively—Total: ~30.88 acres
Master Plan: Employment
Current Zoning: RVP (Recreational Vehicle Park), MHP (Mobile Home Park) and C-1 (Limited Commercial District)
Proposed Zoning: NC (Neighborhood Commercial)
Flood Zone(s): X - Unshaded per FIRM 32019C0211E
Case Planner: Louis Cariola

REQUEST
Microsoft Corporation requests a Zoning Map Amendment to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.
PLANNING COMMISSION
At the March 14, 2022 Planning Commission meeting, the Commission voted 4-0 (4 Ayes; 0 Nay; 2 Absent (Kuzmicki and Clausen) to recommend approval to the Board of Commissioners of the requested Conditional Use Permit. A Zoning Map Amendment request cannot be conditioned.

RECOMMENDED MOTION
If the Board of County Commissioners determines that they will approve the request for a Zoning Map Change then they may want to consider a motion similar to the following.

The Board of County Commissioners finds that:

- A. The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;
- B. The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;
- C. The proposed amendment is compatible with the actual or master planned adjacent uses.

Based on the aforementioned Findings, I move that the Board of Commissioners approve the request for the zoning map amendment request by Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.
BACKGROUND AND PROPERTY INFORMATION
Location, Access, and Size

The subject parcels are located in Silver Springs directly northeast of the Silver Springs Airport, across Highway 50. The subject site consists of five (5) parcels located approximately 1/3 mile west of the intersection of US Highway 50 and US 95A and 2 miles east of the intersection of US Highway 50 and USA Parkway. More specifically, the subject site includes APN’s 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04 consisting of a total of approximately 30.88 acres in total.

The five parcels are depicted on two separate County Plat maps, as shown below.
The five subject parcels are adjacent to three (3) others to the west that are all also owned by Microsoft Corporation. The other three parcels outlined below were the subject of Zone Change Amendments via Lyon County file number PLZ-2022-184. The zone changes resulted in Service Industrial (SI) zoning being ascribed.

Current Use and Topography

The subject parcels are vacant. The slopes on the subject parcels ranges between 5 percent and 20 percent towards Highway 50. Vegetation is moderate consisting of brush, weeds, and grasses.

Utilities

Water Service
The subject site is within the Silver Springs Mutual Water Company (SSMWC) service territory with the closest existing services located on Rhyolite Drive between Elm Street and Carson Street, approximately 800 feet to the east.

Sewer Service
The Silver Springs General Improvement District (GID), operated by the Lyon County Utilities Department, will serve the subject site. The GID stated there is an existing 8” sanitary sewer line in Rhyolite Lane and in the frontage road at its intersection with Deodar Street in the southeast corner of the project site.

Police and Fire
Sheriff and fire services are currently provided by Lyon County and are available in the area given the proximity of the subject site to the Silver Springs intersection of Highways 50 and 95A, approximately 1/3 east of the subject parcels.
Character District and Master Plan Designation

The Character District for the subject parcels is Suburban, as are the surrounding properties.

The Master Plan designation for the site is Commercial (red below, with subject parcels bound in green). Surrounding land uses include Commercial to the east, Employment to the west and south, and Rural Residential and Low Density Residential to the north. The Airport parcel is labeled below as Public/Quasi Public.
Current Zoning

The existing zoning of the subject parcels and the surrounding parcels are displayed in the Existing Zoning and Proposed Zoning images below, taken from the Applicant’s submittal materials and in accordance with “conversions” of all zoning districts using the Zoning Consistency Matrix, adopted in 2018 with Title 15. The current zoning on the subject parcels are from the County’s expired Development Code, Title 10. They are comprised of Recreational Vehicle Park (RVP), Mobile Home Park (MHP) and Limited Commercial (C-1). Per the Consistency Matrix, only the C-1 district has a corresponding district in Title 15, as outlined in the Matrix (excerpts below). Notably, the C-1 district applicable to the largest subject parcel (APN 015-141-04 at 10.57 acres on the south) is already subject to NC (Neighborhood Commercial) zoning standards and would not technically require a Zone Change, but for the sake of consistency, all five parcels are proposed for amendment to the same zoning.

### Exhibit A

#### Zoning Consistency Matrix

<table>
<thead>
<tr>
<th>TITLE 15 ZONING CLASSIFICATION</th>
<th>CURRENT TITLE 10 ZONING CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Consistent District</td>
<td>RVP, Recreational Vehicle Park District</td>
</tr>
<tr>
<td>No Consistent District</td>
<td>MHP, Mobile Home Park District</td>
</tr>
<tr>
<td>NC, Neighborhood Commercial</td>
<td>C-1, Limited Commercial District</td>
</tr>
</tbody>
</table>

Existing Zoning

![Existing Zoning Diagram](image-url)
PROPOSED ZONING

The applicant proposes to change the existing zoning for all five parcels to NC (Neighborhood Commercial). As outlined in the 2020 Master Plan the existing zoning for the four northern parcels is not compatible with the Master Plan designation of Commercial: the southerly parcel, zoned C-1, is/would be consistent.

The screen shot below is from Chapter 3 of the Master Plan, *Land Use, Economy and Growth*. The table depicts which zoning districts are compatible with Master Plan designations, specifically listing NC in the section for Commercial land use as consistent.

2020 Master Plan - Table 2: Land Use Table

<table>
<thead>
<tr>
<th>Title 10 Zoning (Consistent Title 15 Designation)</th>
<th>Title 15 Zoning</th>
<th>Density Range/Size</th>
<th>Description/Characteristics</th>
<th>Examples of Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C-1</strong> (NC)</td>
<td>NC PUD *</td>
<td>Dependent on Character District Typically around 5 acres, but may vary, ranging from as small as 1.3 acres to as large as 10-15 acres.</td>
<td>Neighborhood commercial is intended to provide a range of services. It will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores.</td>
<td>Usually anchored by large format national retailers, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods, often under one roof.</td>
</tr>
<tr>
<td><strong>C-2</strong> (CC)</td>
<td>CC RC PUD *</td>
<td>Typically between 10 and 30 acres.</td>
<td>Community/regional commercial will occur in suburban character districts. It is a mix of retail and commercial services in a concentrated and unified center that serves the local community. It may also include larger retail centers with unique stores or characteristics that serve as a regional draw and “one-stop shop” setting. Single use highway-oriented commercial activities will continue to occur in some areas. However, the county generally discourages that pattern of development.</td>
<td>Usually anchored by large format national retailers, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods, often under one roof.</td>
</tr>
</tbody>
</table>

**Proposed Zoning**

[Map of proposed zoning with legend and zones labeled]
STAFF REVIEW AND COMMENTS

The proposed zoning map amendments for the subject parcels are first reviewed by staff and the Planning Commission, who make recommendations to the Board of Commissioners. The Board makes the final vote on whether or not to approve the request.

FINDINGS FOR REVIEWING A ZONING MAP AMENDMENT REQUEST

Chapter 15.220.05 of Lyon County Code states that when considering approval of a zoning map amendment, three Findings must be considered and supported by a statement of evidence, facts and conclusions. Staff has included those three Findings in **bold type** below. Each Finding is listed with the applicant’s response in *italics* and then staff’s comments. Underlined sections of the Applicant’s response are especially pertinent to the Staff Comment that follows.

A. **The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan.**

**Applicant’s Response (underline added)**

The proposed zoning map amendment from Recreational Vehicle Park (RVP), Mobile Home Park (MHP), and Limited Commercial (C-1) to Neighborhood Commercial (NC) is consistent with the intended character of the Commercial Master Plan designation, which encourages a range of services with larger centers functioning more independently of the surrounding neighborhood providing areas of employment combined with a mix of complementary commercial uses. The following Master Plan policies support the proposed amendment:

**Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan**
- The Land Use Plan identifies this area as Commercial and the proposed NC zoning is conforming with this designation. Furthermore, the NC zoning designation allows a wide range of uses for the site and provides greater flexibility and options for future development.

**Policy LU 3.1: Diverse Economic Base**
- The proposed amendment to NC supports potential future development which could bring a broader range of employment opportunities and economic diversification to the Silver Springs area.

**Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan**
- The proposed amendment supports potential Neighborhood Commercial (NC) uses in an area with a Commercial land use designation. Additionally, the NC zoning designation provides a transition in intensity from the Service Industrial (SI) parcels to the west and the Multiple Residence Non-rural Residential (NR-2 and C-2) to the east. Pending approval of the zone change to NC, future development of the site would be consistent with the County’s vision for land uses and suitable with surrounding development.

**Policy FS 1.1: Location of New Development**
- As noted previously, the subject site is currently within the service boundary of the Silver Springs Mutual Water Company (SSMWC) and initial discussions with them indicate that services are located approximately 800 feet to the east. The capacity would be evaluated with the proposal of a project but initial indications suggest that these can be extended to the site upon development and are a logical extension of the current services avoiding distant and costly extensions.

**Staff Comment**

The applicant’s Response to Finding A (and their entire submittal package) refer to the Title 15 zoning districts that correspond to existing zoning districts from Title 10. Per the Consistency Matrix, adopted in 2018 with Title 15, the applicant’s “conversions” are correct and consistent with Lyon County Code. Based on the 2020 Master
Plan’s Goals, Policies and Strategies quoted above, as well the Land Use Table in Chapter 3, staff believes the proposed zoning map amendment is consistent with the Master Plan. This Finding may be made in the affirmative.

B. The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;

   Applicant’s Response (underline added)

   The proposed NC designation is in conformance with the underlying master plan and is consistent with the anticipated future development of the area, providing a potential of ±30.88 acres of additional commercial development. Furthermore, the subject site is currently in the Water Company service area, and services are a logical extension and can be extended into the site to serve future development as allowed under the NC zoning category. The proposed amendment will support future development which will be

Staff Comment

The subject parcels are bisected by Rhyolite Lane, which provides connectivity to Elm Street and Deodar Street to the east. Deodar Street, which runs along the east/southeast boundary of the subject parcels provides access to a frontage road that extends along the north side of US Highway 50 and provides direct access to the Highway and emergency responses for Fire, Police, and Ambulance services. Primary access will come from the east via Rhyolite Lane with secondary access from Rhyolite Lane to the west via the adjacent property. Additional secondary accesses will be evaluated once development of the adjacent property is proposed.

The Silver Springs Mutual Water Company (SSMWC) will provide water service to the subject parcels and will mandate improvements and upgrades as required by future development proposals.

The Silver Springs General Improvement District (GID) may also need expansion of existing sewer facilities to accommodate future development, but can now serve the parcel locations.

The proposed amendment is not inconsistent with the public facilities policies of Title 15 and this Finding may be made in the affirmative.

C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

   Applicant’s Response (underline added)

   As noted previously, the proposed zone change to NC is a conforming designation and is in conformance with the underlying master plan land use designation of Commercial. Furthermore, the proposed zoning will be compatible with the Employment and adjacent Commercial land use designations in the area. More specifically, the proposed amendment to NC is compatible with the master planned adjacent uses as the properties to the east of the subject site hold the same master plan designation of Commercial.

   The parcels to the west and north have a master plan designation of Rural Residential. When development of the subject properties is proposed, the Applicant will be subject to Lyon County Development Code Standards to ensure appropriate buffers are in place between the Rural Residential properties and any intense uses that would adversely impact future residential development.

Staff Comment

The parcels surrounding the subject parcels are largely vacant. The Master Plan designations surrounding the subject parcels include Employment, Commercial, and Rural Residential. To the west, the commonly owned (Microsoft Corporation) parcels will likely be developed with these parcel’s future to be considered as part of a larger project (although no project is currently under review). If and when development of the subject parcels is proposed, the applicant will be subject to Lyon County development standards to ensure appropriate buffers are in place between the Rural Residential lands and any intensive uses that could impact future residential development. The NC zoning district permits the types of uses that provide an appropriate transition between potential industrial development to the west and residential developments (potentially) to the north and east. Considering these facts, this Finding may be made in the affirmative.
Executive Summary
Applicant: Microsoft Corporation
APN Numbers: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04
Location: The subject site is located north of US Highway 50 with access directly from Deodar Street, just west of the intersection of Rhyolite Lane and Elm Street.

Location
The subject site is located in Silver Springs directly northeast of the Silver Springs Airport. The subject site consists of five (5) parcels located approximately one-half mile west of the intersection of US Highway 50 and US 95A and 2 miles east of the intersection of US Highway 50 (US 50) and USA Parkway. More specifically, the subject site includes APN's 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04 consisting of a total of approximately 30.88 acres. A vicinity map and aerial map identifying the subject site and boundary is included in Section 3 of this application.

Master Plan and Zoning
The Lyon County Master Plan identifies the subject parcels within the Silver Springs Suburban Character District. More specifically, the properties have a master plan designation of Commercial and zoning designations of Recreational Vehicle Park (RVP), Mobile Home Park (MHP) and Limited Commercial (C-1).

Surrounding land uses include Commercial to the east, Employment to the west and south, and Rural Residential and Low Density Residential to the north. Zoning includes Multiple Residence Nonrural Residential (NR-2) and General Commercial (C-2) to the east, Multiple Zoning District (MULT) to the south (across US 50), Service Industrial (SI) to the east, and Rural Residential 20 acres (RR-5) and Rural Residential 2 acres (RR-2) to the north (refer to Land Use and Existing Zoning maps in Section 3 of this submittal packet).

Project Request
The applicant is seeking a zoning map amendment (ZMA) on the subject parcels from RVP, MHP, and C-1 to Neighborhood Commercial (NC). It should be noted that the Title 10 Limited Commercial District (C-1) designation is in direct conformance to the Title 15 Neighborhood Commercial (NC) designation in accordance with Exhibit A; Zoning Consistency Matrix. For the purpose of this request, we will refer to the Title 15 NC zoning designation throughout the document. It should also be noted that the portion included in this request with a zoning designation of C-1 is for administrative purposes since the NC and C-1 zoning designation are interchangeable. This designation from C-1 to NC will ensure clarity and conformance with the updated Title.

At this time there is no development project associated with the request. However, per the Lyon County code, the purpose of the NC district is to provide a range of services, ranging in scale and character from small, limited use centers that are fully integrated into the surrounding neighborhood to larger centers that may function independently of the surrounding neighborhood with ample parking and numerous retail and service stores (refer to Existing Zoning and Proposed Zoning maps in Section 3 of this submittal packet).

Site Characteristics
The subject site is vacant and is surrounded by primarily vacant land. Deodar Street borders the southeast boundary, and the northern portion of the site is bisected by Rhyolite Lane both roads are unpaved dirt roads.
Site slopes range between 5 percent and 20 percent and slope south towards US 50. Surface drainage consists of sheet flow as well as several natural drainages that flow north to south across the subject area. Vegetation is moderate consisting of brush, weeds, and grasses with several dirt roads crossing the property. Underground utilities and overhead powerlines are also present on the project site.

**Project Details**
The Applicant is seeking a zone change from the existing Recreational Vehicle Park (RVP), Mobile Home Park (MHP) and Limited Commercial (C-1) to Neighborhood Commercial (NC) to support future development of the site. This zoning designation will also bring the MHP zoned portion of the project site into conformance with the underlying Commercial master plan designation.

The zoning is in conformance of the Master Plan which designates the subject properties as part of the Silver Springs Suburban Character District encouraging commercial uses. The zone change from C-1 to NC will bring the site into conformance with the Title 15 Code update. Areas designated as Commercial are generally intended for commercial type uses ranging between 1-30 acres in size. Larger commercial designated areas, as described under the NC zoning designation, are intended to provide a range of services that will function more independently than smaller commercial areas and function independently of the surrounding neighborhood. Per Table 15.320-2 of the Lyon County Land Use and Development Code, examples of uses that would be allowed under the NC zoning (and conform with the Commercial master plan) would include business and professional office, general retail, power transmission lines (60 kV or greater), supermarkets, drugstores, filling stations, utility substations, government buildings and a range of other neighborhood commercial services and operations.

The requested change will allow the site to be developed with uses that are aligned with the characteristics noted previously. Although there is no formal project at this time, NC zoning provides a broader array of allowed land uses than the current RVP & MHP zoning and will help provide a transition between the Service Industrial zoning to the west (SI) and the Multi-Family zoning to the east (NR-2) thus providing the Applicant greater flexibility of developing the site in the future with the appropriate transition for the surrounding properties.

**Access and Circulation**
The subject site is bisected by Rhyolite Lane and provides connectivity to Elm Street and Deodar Street to the east. Deodar Street, which runs along the southeast boundary, and provides access to an NDOT frontage road that extends along the north side of US 50 and provides direct access to US 50. Primary access will come from the east via Rhyolite Lane with secondary access from Rhyolite Lane to the west via the adjacent property. Secondary access will be evaluated once development of the adjacent property is proposed.

While there is no formal project associated with this request, it is likely that as the site is developed in the future. Access will come from the east via Rhyolite Lane to Deodar Street or Elm Street. Primary site access will be determined at a later time and would depend on the type of project proposed and the timing of the surrounding development. The Applicant understands that at the time of future development, roads will need to be developed in accordance with Lyon County street standards.

**Utilities and Public Facilities**
With on-going growth in the area, infrastructure is available or can be extended in the future.

*Water Service:* The subject site is within the Silver Springs Mutual Water Company (SSMWC) service territory with the closest existing services located on Rhyolite Drive between Elm Street and Carson Street, approximately
800 feet to the east between APN 018-082-05 and 018-161-06. This can be extended to the site to serve the development. However, should increase demand be needed, SSMWC will require the developer to extend a new 8” water main along Ranchito Drive to Elm Street to the frontage road to serve the subject site from the southeast corner. On-site infrastructure will be required to meet storage and pressure requirements for the future development.

**Sewer Service:** The Silver Springs General Improvement District (GID), operated by the Lyon County Utilities Department, will serve the subject site. Data provided by the GID indicate there is an existing 8” sanitary sewer line in Rhyolite Lane and in the frontage road at its intersection with Deodar Street in the southeast corner of the project site. Any future development of the subject properties would require an on-site extension to either of these points of connection. The existing sewer system in the vicinity gravity drains to the wastewater treatment facility, which is located approximately 1.1 miles due east from the latter point of connection.

**Police and Fire:** In terms of public facilities, fire and sheriff service is currently provided by Lyon County and is available in the area given the proximity of the subject site to the Silver Springs Airport and other existing development in the general vicinity.
FINDINGS
When approving a zoning text or map amendment the commission and the board must make the following findings, supported by a statement of evidence, facts, and conclusions.

A. That the proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

Response: The proposed zoning map amendment from Recreational Vehicle Park (RVP), Mobile Home Park (MHP), and Limited Commercial (C-1) to Neighborhood Commercial (NC) is consistent with the intended character of the Commercial Master Plan designation, which encourages a range of services with larger centers functioning more independently of the surrounding neighborhood providing areas of employment combined with a mix of complementary commercial uses. The following Master Plan policies support the proposed amendment:

Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan
- The Land Use Plan identifies this area as Commercial and the proposed NC zoning is conforming with this designation. Furthermore, the NC zoning designation allows a wide range of uses for the site and provides greater flexibility and options for future development.

Policy LU 3.1: Diverse Economic Base
- The proposed amendment to NC supports potential future development which could bring a broader range of employment opportunities and economic diversification to the Silver Springs area.

Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan
- The proposed amendment supports potential Neighborhood Commercial (NC) uses in an area with a Commercial land use designation. Additionally, the NC zoning designation provides a transition in intensity from the Service Industrial (SI) parcels to the west and the Multiple Residence Nonrural Residential (NR-2 and C-2) to the east. Pending approval of the zone change to NC, future development of the site would be consistent with the County’s vision for land uses and suitable with surrounding development.

Policy FS 1.1: Location of New Development
- As noted previously, the subject site is currently within the service boundary of the Silver Springs Mutual Water Company (SSMWC) and initial discussions with them indicate that services are located approximately 800 feet to the east. The capacity would be evaluated with the proposal of a project but initial indications suggest that these can be extended to the site upon development and are a logical extension of the current services avoiding distant and costly extensions.

B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;

Response: The proposed NC designation is in conformance with the underlying master plan and is consistent with the anticipated future development of the area, providing a potential of ±30.88 acres of additional commercial development. Furthermore, the subject site is currently in the Water Company service area, and services are a logical extension and can be extended into the site to serve future development as allowed under the NC zoning category. The proposed amendment will support future development which will be
That the proposed amendment is compatible with the actual or master planned adjacent uses.

Response: As noted previously, the proposed zone change to NC is a conforming designation and is in conformance with the underlying master plan land use designation of Commercial. Furthermore, the proposed zoning will be compatible with the Employment and adjacent Commercial land use designations in the area. More specifically, the proposed amendment to NC is compatible with the master planned adjacent uses as the properties to the east of the subject site hold the same master plan designation of Commercial.

The parcels to the west and north have a master plan designation of Rural Residential. When development of the subject properties is proposed, the Applicant will be subject to Lyon County Development Code Standards to ensure appropriate buffers are in place between the Rural Residential properties and any intense uses that would adversely impact future residential development.
Legend
- Project Area
- C-1: Limited Commercial District
- C-2: General Commercial District
- MHP: Mobile Home Park District
- MULT: Multiple Zoning Districts
- NR-2: Multiple Residence Nonrural Residential District
- RR-2: Rural Residential (2 acre minimum)
- RR-5: Fifth Rural Residential District (20 acres)
- RVP: Recreation Vehicle Park District
- SI: Service Industrial

Existing Zoning
Zoning Map Amendment - Rhyolite Lane
January 2023
Legend
- Project Area
- C-1: Limited Commercial District
- C-2: General Commercial District
- MHP: Mobile Home Park District
- MULT: Multiple Zoning Districts
- NR-2: Multiple Residence Nonrural Residential District
- RR-2: Rural Residential (2 acre minimum)
- RR-5: Fifth Rural Residential District (20 acres)
- RVP: Recreation Vehicle Park District
- SI: Service Industrial
- NC: Neighborhood Commercial

Zoning Map Amendment - Rhyolite Lane
January 2023
Meeting Date: 3/6/2023

Advisory Board: Silver Springs Community Advisory Board

Please select which board this item is to be brought before:

Board of Commissioners _____, (and/or) Planning Commission __X__

Agenda Item:

To forward a recommendation for a Zoning Map Amendment request from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.

Recommended Motion and/or Report:

Motion to forward a recommendation of approval for a Zoning Map Amendment request from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.

Advisory Board or Public Concerns:

Concerns regarding infrastructure were mentioned, but representatives of Wood Rogers answered questions, Scott Keller also stated that this is a zoning item, and that this recommendation was just about the zoning classification.

Submitted By: Katie Baker- SSCAB Secretary

Katie Baker- SSCAB Secretary
Fwd: PLZ-2023-002

1 message

Shannon Juntunen <sjuntunen@lyon-county.org>  
To: Erin Lopez <elopez@lyon-county.org>, Louis Cariola <lcariola@lyon-county.org>  
Mon, Apr 3, 2023 at 3:08 PM

Public Comment for agenda item 18.a

---------- Forwarded message ----------
From: Robert LePome <rlepome@gmail.com>
Date: Mon, Apr 3, 2023 at 2:02 PM
Subject: Re: PLZ-2023-002
To: Shannon Juntunen <sjuntunen@lyon-county.org>

Hi Shannon,

Thank you. My partners and I own the 1065 Acres which are located North of the subject property. We approve of the zone change.

Bob

On Mon, Apr 3, 2023 at 10:43 AM Shannon Juntunen <sjuntunen@lyon-county.org> wrote:
    Good morning Robert,
    Attached is the Staff Report and agenda with the Zoom link in the event you would like to attend the meeting.

    Have a wonderful afternoon!

On Mon, Apr 3, 2023 at 9:33 AM Robert LePome <rlepome@gmail.com> wrote:
    Hello Shannon,

    Please forward a copy of the file at your earliest convenience. We own the adjoining property.

    Thanks,

    Bob

__
Robert C. LePome, J.D.
Compass Realty & Management
8880 W. Sunset Rd. #290
Las Vegas, NV 89148
Cell: 702-378-3373
Email: rlepome@gmail.com
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

**Agenda Item Number:**
18.b

**Subject:**
For Possible Action: To approve a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

**Summary:**
The applicant had submitted a letter to staff in request of continuing their application. In accordance with County Code section 15.10.05 (Continuance of Proceedings) the applicant has demonstrated good cause for the request for a continuance and because the new meeting date is within 35 days of April 6, 2033, no additional noticing is required. Staff supports the applicant’s request.

**Financial Department Comments:**

**Approved As To Legal Form:**

**County Manager Comments:**

**Recommendation:**
To approve a continuance to May 4, 2023 for a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

**ATTACHMENTS**
- Continuance Request
- Staff Report
- Backup
- Advisory Board Letter of Transmittal
Via E-mail: broth@lyon-county.org

Louis Cariola & Bill Roth
Lyon County Planning
27 Main Street
Yerington, NV 89447

RE: REQUEST FOR CONTINUANCE OF PLZ2022-213 (BLACKCOMB PROPERTY GROUP, LLC CONDITIONAL USE PERMIT), AKA STORE MORE BOAT AND RV FROM LYON COUNTY BOARD OF COMMISSIONERS APRIL 6 2023 AGENDA

Dear Louis and Bill:

This letter is presented on behalf of Blackcomb Property Group, LLC requesting continuance of the Lyon County Board of Commissioners final decision on the above referenced case.

The applicant is reviewing the plan modifications that will be necessary at the final plan stage of the project, based on the conditions of approval and comments from the March 14th Planning Commission meeting. We want to make sure that we have been able to appropriately analyze the marginal cost increases associated with the conditional items such that we can put our best foot forward relative to all aspects of the code and conditioned requirements prior to presenting to the County Board of Commissioners.

In addition, Robert Marani with Blackcomb Property Group, LLC who attended the Planning Commission hearing has a commitment on April 6th that will keep him from being present in the Commission Chambers. He greatly prefers being physically present at such meetings/hearings to be able to appropriately address any questions that may arise.

As such, a continuance of this case to the next available County Commission meeting is requested. From conversation with staff, it is understood that this would be May 4th. It is understood that this item is currently on the Board of Commissioners agenda for April 6th and cannot be removed without Commissioners approval of the continuance.

Please feel free to contact me if you have any questions regarding this formal continuance request.

Respectfully submitted,

R. David Snelgrove, AICP
Planning and Right-of-Way Manager

Xc: Blackcomb Property Group, LLC, Robert Marani and Eli May
STAFF REPORT AND PLANNING COMMISSION ACTION

PLZ-2022-213

Proposed Action: Conditional Use Permit for a Self-Storage/RV Storage Facility

Meeting Date: April 6, 2023

Owner: Dayton Flyer, LLC

Applicant: Blackcomb Property Group, LLC

Location: Dayton

Parcel Number: 006-091-10

Parcel Size: 3 acres

Master Plan: Commercial

Zoning: CC (Community Commercial)

Flood Zone(s): Zone X-Unshaded, Zone X-Shaded, Zone AE Floodway per FIRM 32019C0452F

Case Planner: Bill Roth

REQUEST

The Applicant is requesting a Conditional Use Permit to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

PROJECT SUMMARY

The proposed project involves the construction and operation of a Self-Storage/RV Storage facility (“Store More Boat & RV Storage”) consisting of up to 104 boat or Recreational Vehicle (RV) storage spaces. No storage lockers are proposed. The subject property is located at 222 Dayton Valley Road, west of the Carson River and U.S. Highway 50 in Dayton (APN: 006-091-10).

PLANNING COMMISSION

At the March 14, 2023 Planning Commission meeting, the Commission voted 4-0 (Commissioner Kuzmicki Absent) to recommend approval of the proposed project to the Board of Commissioners. There was discussion in regard to the Applicant’s request to modify Condition of Approval #10, which requires the installation of a full perimeter...
solid wall in compliance with the Performance Based Standards for Self-storage/RV storage uses located in the Community Commercial zoning district, as provided in Lyon County Code section 15.335.03 WW. The applicant requested to substitute chain link fencing along a portion of the north perimeter, adjacent to an existing self-storage facility, to ensure there would be no blind spots that might create opportunities for illegal dumping and homeless encampments. The applicant also requested to use chain link along the western perimeter and a portion of the southern perimeter, citing flooding and drainage concerns, but also acknowledging that the chance of flooding for that portion of the site was effectively one event in five hundred years based upon the FEMA FIRM (Flood Insurance Rate Map) and that drainage could be facilitated with openings at the base of any solid walls, if it was indeed necessary. While at least one member of the Planning Commission acknowledged the concern about blind spots along the northern perimeter, discussion between staff and the Planning Commission ultimately led to the conclusion that the Performance Based Standards could not be modified through the Conditional Use Permit approval process. There was mention that the applicant could apply for a zoning variance if they wished to pursue the matter further. The applicant stated that they wished to move forward with the Conditional Use Permit without modification to the Conditions of Approval related to the required masonry wall. Additional discussion resulted in a clarification of the language of Condition 22, more clearly defining the recommended improvements to a public access trail on the project’s western side along the Carson River. There were no public comments.

RECOMMENDED MOTION

If the Board determines that they will approve the Conditional Use Permit, then the Board may want to consider a motion similar to the following.

The Lyon County 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 County Commissioners approve the request by Blackcomb Property Group, LLC for a Conditional Use Permit to allow a Self-Storage/RV Storage Facility in the CC (Community Commercial) zoning district on one (1) parcel that is approximately 3 acres in size, accessed by Dayton Valley Road to the southwest of the intersection of Dayton Valley Road and Como Road in Dayton, and located on APN 006-091-10, subject to the following Conditions of Approval (PLZ-2022-213).
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 obtaining a Building Permit.

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

5. The Applicant shall maintain a Lyon County business license for the use while occupying the site.

6. Prior to commencement of the use, the Applicant shall provide to the Lyon County Planning Department evidence of the issuance of an encroachment permit and satisfactory completion of all improvements required by the Lyon County Road Department, or documentation that no new encroachment permit and/or improvement are required.

7. Prior to commencement of the use, the Applicant shall ensure the satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Planning Department, the Lyon County Road Department, and Central Lyon County Fire Protection District.
   a. The Applicant shall coordinate with Lyon County Road Department and fund the creation of a left turn pocket on Dayton Valley Road to provide vehicular access to the subject property.
   b. The Applicant shall modify the site layout to comply with Central Lyon County Fire Protection District and Lyon County Code travel lane requirements, if deemed necessary and to the satisfaction of the Central Lyon County Fire Protection District and the Lyon County Planning Department.

8. The Applicant shall submit for a fire/life safety plan review to the Lyon County Fire Protection District prior to the issuance of a site improvement permit/building permit for the project.

9. All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, shall include cut-off shields that direct the illumination down and reduce glare to the satisfaction of the Planning Department.

10. The full perimeter of the facility shall be screened by a solid masonry wall, at a minimum height of six feet (6’), to ensure that equipment or materials stored on the site will not be visible from the street or adjacent parcels. The height, placement, construction, and materials associated with the perimeter screening are subject to Planning Department staff review. Layout and construction method shall be included on the building permit site plans.

11. The trees in the landscape buffer along the site’s Dayton Valley Road frontage shall be evergreen trees, to provide year-round screening.

12. The Applicant shall address security, cleaning, and maintenance needs in a timely fashion. An employee shall visit the site in-person at least twice a week to clean and maintain the property.
13. Customer access shall be limited to the hours of six o’clock (6:00) A.M. to ten o’clock (10:00) P.M. with extended hours allowed only at the discretion of the Community Development Director.

14. The project design must adhere to the Floodplain Development Standards of Chapter 800 of Title 15 for any development within Special Flood Hazard Areas.

15. The Applicant shall comply with Lyon County’s 2018 drainage guidelines, as revised to the approval of the County Engineer.

16. Signage denoting that hazardous materials shall not be stored on site shall be placed at the entry gate and throughout the facility.

17. The applicant shall comply with the parking area design, layout, and landscaping requirements set forth in 15.401.04 of the Lyon County Code.

18. Off-street parking areas shall be used solely for automobile and recreational vehicle parking with no sales, storage of inoperable, unlicensed vehicles, repair work, dismantling or servicing work of any kind.

19. All vehicle stacking before the entry gate shall occur on-site, not on Dayton Valley Road. If vehicle stacking is observed to exceed the capacity of the on-site driveway, the Applicant shall be required to address the issue by one or more of the following methods, at the discretion and to the satisfaction of the Community Development Director and the Lyon County Road Department: staggering customer access times; relocating the entry gate and keypad; or other site or entryway modifications.

20. The facility shall be limited to a maximum 104 Recreational Vehicle/Boat spaces.

21. The applicant shall identify all easements and drainage systems that are located on the property. The applicant shall preserve all Baroni Drainage Ditch easements and accesses.

22. The applicant shall install a 15-feet wide trail along the rear of the property, east of the Carson River. A five-foot wide portion of the trail shall be surfaced with gravel, decomposed granite, or a similar material, to the satisfaction of the Planning Department. The Applicant shall show the trail on the plans submitted with the Building Permit application for this project.

23. The Applicant or suitable maintenance entity shall be responsible for maintenance of all roads, walks and drainage facilities within the development, as well as project-related storm water facilities, whether onsite or offsite, to the satisfaction of the Planning Department. Lyon County shall have no financial responsibility for maintenance of these facilities.

24. Water Rights - In addition to compliance with all other standards for granting applications for connections, the Applicant may be required to assign to the LCUD (Lyon County Utilities District) water rights acceptable to LCUD in sufficient quantity to support the project, if so determined by LCUD. Quantity requirements per Lyon County Bill No. 07-06, Ordinance 512, are provided in Title 9.03.05(S) of the Lyon County Code. Water rights must be dedicated to Lyon County and be in good standing, approved for point of diversion, place, and type of use by the Nevada State Division of Water Resources State Engineer. All applications, fees, and change of ownership documents, required by the State Engineer are the responsibility of the applicant.

25. 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 unless an extension is obtained in accordance with the provisions of 15.13.02 of the Lyon County Code.
BACKGROUND INFORMATION

Location

The subject property is generally located to the southwest of the intersection of Dayton Valley Road and Como Road in Dayton at 222 Dayton Valley Road, APN 006-091-10 (indicated with a star symbol in the image below). In the westernmost portion (rear) of the property is the Baroni Drainage Ditch (described below) and farther to the west of the property is the Carson River.

Subject Parcel Size

The subject parcel is three acres in size, as shown in the Assessor’s plat map below.
Topography
The site is generally flat, sloping gradually from east to west, and there are no significant slopes or ridges that would limit or restrict the proposed development as shown below. The Carson River floodway and the Baroni Drainage Ditch, as discussed below, restrict development at the westernmost portion (rear) of the property.

Contour Map (the thin brown line depicts a ten-foot contour line):
Baroni Drainage Ditch
The rear of the property includes a portion of the Baroni Drainage Ditch, which is located to the east of the Carson River (see light blue line in flood map image below). The applicant shall preserve all Baroni Drainage Ditch easements and access, as a Condition of Approval of the proposed project.

Trail
As development has occurred along the Carson River, the permits for other projects, including the self-storage use to the north of the proposed project site, Carson River Estates Phases 1 and 2, and Gold Canyon Estates 2, have included a requirement to install and maintain a walking path. The proposed project includes a Condition of Approval to require the same.

Enlarged Image of Flood Map – Baroni Drainage Ditch shown as thin blue line (see arrows):
Site Photos
The images below were provided by the Applicant. Additional photos by the Applicant are attached to this report.

Master Plan and Zoning
As shown in the Master Plan image below, the Master Plan designation for the subject parcel is Commercial. The parcel is located in the Dayton Suburban Character District. Per the Master Plan, “Suburban Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses.”

**Master Plan**

![Master Plan Image](image)

**Zoning**

The parcel under consideration is currently zoned under Title 10 as C-2 (General Commercial District). The adopted Zoning Consistency Matrix shows the comparative Title 15 zoning district as CC (Community Commercial). Self-Storage/RV Storage facilities require approval of a conditional use permit in the CC zoning district, per Lyon County Land Use and Development Code Table 15.320-2. The subject parcel is indicated with a star symbol in the zoning map image below.
Flood Zone Designation

As shown in the two images below, the majority of the proposed parcel is located in Zone X-Unshaded (Area of Minimal Flood Hazard), while the southwestern portion of the parcel is located in Zone X-Shaded (0.2 Percent Annual Chance of Flood Hazard). The westernmost edge of the parcel is located in Zone AE Floodway. No development is proposed in the Zone AE Floodway.
Public Facilities

The Applicant does not propose to install toilets or other facilities that would require sewer service, but the project would include a landscaped berm that would require water for irrigation. The Applicant may be required to assign to the Lyon County Utilities Department (LCUD) water rights acceptable to LCUD in sufficient quantity to support the project, if so determined by LCUD. Quantity requirements per Lyon County Bill No. 07-06, Ordinance 512, are provided in Title 9.03.05(S) of the Lyon County Code. Water rights must be dedicated to Lyon County and be in good standing, approved for point of diversion, place, and type of use by the Nevada State Division of Water Resources State Engineer. All applications, fees, and change of ownership documents, required by the State Engineer are the responsibility of the applicant. This requirement is included as a Condition of Approval.

Per the Lyon County Road Department, a left turn pocket off of Dayton Valley Road will have to be constructed in the existing median. This requirement is included as a Condition of Approval.

STAFF REVIEW AND COMMENTS
The proposed project consists of a Self-Storage/RV Storage facility, which is allowable with the approval of a Conditional Use Permit (CUP) in the subject CC zoning district. Self-Storage/RV Storage facilities must be designed and operated in compliance with Title 15.335.03WW of the Lyon County Code. Those requirements are provided and discussed in the Conditional Use Permit - Findings section of this report.

**Project Description**

The proposed RV and boat storage facility would be an unmanned facility, with no watchman’s quarters. Keypads and mobile application technology would provide customer access to the site and the RV and boat storage. No on-site office, dump station, or garbage facilities are proposed. A cloud-based video monitoring system and clock-in/clock-out keypad data would be the primary way that the Applicant would monitor onsite activity and determine whether cleaning or maintenance work would be necessary. The Applicant has stated that they intend to have a local employee available on an on-call basis to address security, cleaning, and maintenance needs in a timely fashion. They have also stated that an employee would visit the site in-person at least twice a week to clean and maintain the property.

Customer access would be limited to the hours of six o’clock (6:00) A.M. to ten o’clock (10:00) P.M. with extended hours allowed only at the discretion of the Community Development Director, as a Condition of Approval.

**Preliminary Site Plan**

As shown in the Preliminary Site Plan below (and attached to this report), the proposed RV and boat storage would be provided in parking spaces located beneath solar canopies.

Applicant’s Preliminary Site Plan:
Per Title 15.335.03 WW of the Lyon County Code, which provides the performance standards for Self-Storage/RV Storage uses, “The perimeter of the facility shall be screened by a solid masonry wall in the Community Commercial, Neighborhood Commercial, Regional Commercial, Commercial Mixed Use, Highway Corridor Mixed-Use, Employment Mixed Use, and Service Industrial zoning districts.” As the subject property is located in the Community Commercial zoning district, it is subject to this requirement. As a Condition of Approval, the facility shall be screened along the entire perimeter by a solid masonry wall measuring a minimum six feet (6’) in height), to ensure that equipment or materials stored on the site will not be visible from the street or adjacent parcels.

It should be noted that the Applicant’s Preliminary Fencing Plan shows an open-fencing treatment (chain-link) along some portions of the site’s perimeter (see red line in the Applicant’s Preliminary Fencing Plan below and attached to this report). The applicant’s rationale for their requested exceptions to the screening requirement is provided on page seven of the applicant’s narrative, which is attached to this report. It should also be noted that the Dayton Regional Advisory Board provided comment on the project, including the proposed screening, and those comments are attached to this report. As previously stated, open-fencing would be at variance with the requirements of the Lyon County Code, so a Condition of Approval has been included to ensure that a full perimeter solid wall would be installed.

Applicant’s Preliminary Fencing Plan:
Landscaping and Lighting

Per Title 15.335.03WW, Self-storage/RV Storage facilities must provide a minimum ten-foot-wide landscape buffer, including trees, along the entire side of the facility between any street or highway and the required perimeter screening wall. As shown in the Preliminary Landscape Plan below, a ten-foot-wide landscape buffer with trees is proposed along the site’s frontage. The trees in the buffer shall be evergreen trees to provide year-round screening, as a Condition of Approval.

All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, including cut-off shields that direct the illumination down and reduce glare, as a Condition of Approval.

Applicant’s Preliminary Landscape Plan:
Access and Parking

Access to the site would be provided via Dayton Valley Road at the intersection of Como Road. A new left turn pocket is proposed at the intersection to accommodate for larger vehicles, consistent with comments provided by Lyon County Roads staff during the pre-application meeting for the proposed project and included as a Condition of Approval.

The proposed driveway, which includes two entry lanes and one exit lane, will provide over 60 feet on site for incoming vehicles to queue before they reach the entry gate. Each lane would accommodate one long trailer or RV. On-site circulation would consist of two-way travel lanes (see Preliminary Site Access Plan, below). The proposed driveway, parking area, and drive aisles would be paved.

The Central Lyon County Fire Protection District requires a 20-foot travel lane for fire access and two-way travel. The Lyon County Code (15.335.03 WW(9)) identifies that the minimum width of one way aisles is 15 feet while a two way drive aisle is 24 feet. The Preliminary Access and Parking Plan shows two way aisles that are 25 feet in width, in compliance with that requirement. Additionally, the proposed site plan and access plans show a 10-foot-wide “passenger vehicle parking lane” that would be used infrequently by customers that may arrive in passenger vehicles to maintain or winterize their stored boats or RVs.

The Lyon County Code (15.335.03 WW(8)) requires that one parking space be provided for every one hundred (100) storage units with a minimum of three (3) parking spaces required for the office facility. The design of the site does not include storage units or an office facility; as such, there would be no parking requirement. However, to ensure
that customers that might choose to visit the site in passenger vehicles to maintain or winterize their stored boats or RVs will have a place to park, a Condition of Approval to require a minimum of three parking spaces is included in this staff report. The proposed site plan shows that condition would be met.

Applicant’s Preliminary Access and Parking Plan:

Traffic

The Applicant’s Submittal Package that is attached to this report provides an estimate of 19 Average Daily Trips to the subject property. A copy of the ITE Trip Generation Estimate printouts from the ITE web-based application is provided in Tab D of the Applicant’s Submittal Package. As previously mentioned, the project was reviewed during a pre-application meeting by Lyon County Roads staff and their comments have been incorporated into the project and Conditions of Approval.

Required Permits

Development of the proposed Self-Storage/RV Storage facility will require approval of Building Permits.
Conditional Use Permit

When considering applications for a CUP, the Planning Commission or Board of County Commissioners 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

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;

Policy FS 1.1: Location of New Development New development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The proposed project site has existing utilities adjacent to the parcel, avoiding distant and costly extensions of service.

Policy C 7.1: Confer with Community Advisory Councils When developing a program or policy intended to address a community-specific issue, such as those listed in this Master Plan. County staff will confer with the applicable Community Advisory Board before finalizing a decision.

This project will be reviewed by the Dayton Advisory Board as part of the application processing.

Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan Future development of Lyon County will be consistent with the Land Use Plan. The Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county’s future urban and suburban growth will develop largely around existing communities.

The proposed development is located within the suburban character management area of Dayton and is located with convenient access within an existing community.

Policy LU 1.3: Commercial and Mixed-Use Development to be Located in Communities Nonresidential development will occur in areas with existing or planned infrastructure, and in locations that are appropriately designated on the Land Use Plan. New suburban and rural residential development will be located near existing and future community centers.

Existing infrastructure is located nearby for direct service to the project site.

Policy LU 5.1: Encourage Resource-Sensitive Growth and Sustainable Design Lyon County will encourage development that incorporates the principles of sustainable design and that reduces energy and resource consumption and impacts on the environment, by:

- Minimizing resource consumption, energy use, and water use;
- Using renewable energy sources and locally produced materials;
• Exploring and encouraging alternatives to toxic pesticides and herbicides; and
• Using programs such as LEED™ (Leadership in Energy Efficiency and Design), United States Department of Energy’s Building America Program, and Energy Star, and other standards for energy efficiency.

The project proposes the inclusion of solar panels on top of Boat and RV storage canopies to help reduce the overall power demand for the project.

**Policy NR 5.1: Geothermal, Solar and Wind** Lyon County will encourage utilization of available renewable energy resources, such as solar radiation, geothermal heat, and wind.

The project proposes the inclusion of solar panels on top of Boat and RV storage canopies to help reduce the overall power demand for the project.

**Policy NR 6.2: No Increase in Risk from Natural Hazards** To the extent possible, Lyon County will avoid or mitigate increased risk from natural hazards to persons or property that are caused by development.

The proposed development leaves 0.45 +/- acres (15% of the site) that is within the FEMA Zone AE Floodway area undeveloped.

**Policy NR 8.2: Dark Skies** Lyon County will minimize light pollution while allowing for adequate lighting for safety and security.

Lighting will be appropriately designed and shielded, per County Code requirements.

**Policy FS 1.1: Location of New Development** New development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

Existing infrastructure is located nearby for direct service to the project site.

**Staff Comment**

Storage/RV Storage facilities are allowed in the CC zoning district, subject to the approval of a Conditional Use Permit. Such uses are required to comply with Title 15.335.03WW of the Lyon County Code, which includes standards to ensure that the use will be consistent with Master Plan policies and compatible with surrounding uses. Staff comment regarding the project’s conformance to this code section is provided below (in italics).

15.335.03 WW. Self Storage/RV Storage:

1. No separate individual business operation is allowed to operate within an individual storage space/unit. No space/unit shall be converted into a residential use.

   **Staff comment**: The proposal is for an individual business and there are no proposed residential uses nor proposed structures that could be converted to a residential use.

2. All self-storage buildings shall be permanent structures built or assembled on-site.

   **Staff comment**: No self-storage buildings are proposed. The solar canopies over the RV and boat storage spaces shall be permanent structures, to the satisfaction of the building official.
3. The perimeter of the facility shall be screened by a solid masonry wall in the Community Commercial, Neighborhood Commercial, Regional Commercial, Commercial Mixed Use, Highway Corridor Mixed-Use, Employment Mixed Use, and Service Industrial zoning districts.

**Staff comment:** As the project site is located in the Community Commercial zoning district, this requirement is applicable to the proposed project. A Condition of Approval is included to require a solid masonry wall along the subject property’s full perimeter, in conformance with this requirement.

4. A minimum six foot (6’) high perimeter fence is required in light and heavy industrial zoning districts. Portions of the fence, which are adjacent to residential zoning districts or which face arterial streets, residential streets, and state highways must be a solid masonry wall.

**Staff comment:** As the project is not located in the light or heavy industrial zoning districts, this requirement does not apply. Instead, the stricter requirement per subsection 3 of this ordinance shall be required, as previously discussed.

5. A minimum of ten-foot-wide landscape buffer shall be provided along the entire side of the facility between any street or highway and the required wall. The landscaping shall include screening trees as required by chapter 402.

**Staff comment:** The project has been designed in conformance with this requirement. As a Condition of Approval, the trees planted in the landscape buffer shall be evergreen trees.

6. All storage shall be within an enclosed building except for the storage of recreational vehicles.

**Staff comment:** The project has been designed in conformance with this requirement, as no storage other than recreational vehicles, including boats, is proposed.

7. The surface of the area to be used for outdoor storage shall be paved with a non-permeable material such as asphalt or concrete or, in the case of the storage of heavy equipment, covered with a material acceptable to the administrator which will control fugitive dust.

**Staff comment:** The project area has been designed with paved parking in compliance with this requirement.

8. One parking space is required for every one hundred (100) storage units with a minimum of three (3) spaces required for the facility office.

**Staff comment:** The project does not include storage units and complies with this requirement. A staff-recommended Condition of Approval would require three passenger vehicle parking spaces, to ensure customers that visit the site to maintain or winterize their recreational vehicles have a place to park that would not block or hinder on-site vehicle circulation.

9. One-way interior travel lanes must have a minimum width of fifteen feet (15’) in addition to the ten foot (10’) wide parking lane. All two-way interior travel lanes serving storage units must have two (2) 12-foot wide travel lanes and be provided with a ten foot (10’) wide parking/loading lane.

**Staff comment:** The project meets this requirement and includes a Condition of Approval to ensure that drive aisle widths be designed to the satisfaction of Lyon County Central Fire and Lyon County Planning.

10. The height of the storage buildings shall be governed by the maximum height permitted for the zoning district. See chapter 300 of this title, zoning districts and standards for dimensional requirements.

**Staff comment:** The project includes no storage buildings and complies with this requirement.
11. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

**Staff comment:** The project shall meet this requirement, as a Condition of Approval.

12. Minimum and maximum lot sizes.
   a. Community Commercial and Neighborhood Commercial:
      (1) Minimum lot size: One acre.
      (2) Maximum lot size: Three (3) acres.
   b. Regional Commercial, Commercial Mixed Use, Highway Corridor Mixed-Use, Employment Mixed Use, and Service Industrial:
      (1) Minimum lot size: One acre.
      (2) Maximum lot size: Ten (10) acres.
   c. Light Industrial:
      (1) Minimum lot size: One acre.
      (2) Maximum lot size: None.

**Staff comment:** At a size of three acres, the project site complies with the lot-size range allowable for Self Storage/RV Storage facilities on parcels with a zoning designation of Community Commercial.

13. All self service storage facilities are subject to the buffering and landscaping set forth in chapter 402 of this title.

**Staff comment:** The proposed project includes a landscaped buffer that meets the requirements of Chapter 402 of the Lyon County Code.

14. A minimum six foot (6') high perimeter fence is required. Portions of the fence, which face arterial or residential streets, must be solid or semisolid and decorative.

**Staff comment:** The project site is located in the Community Commercial zoning district, so, as previously discussed, it is subject to the stricter requirement of a solid masonry wall along the perimeter, per subsection 3 of this ordinance. A Condition of Approval is included to require a solid masonry wall along the full perimeter of the property.

15. No outside storage, other than the storage of RVs, boats, and other items specifically approved via a Conditional Use Permit, is permitted in the Neighborhood Commercial, Community Commercial, Regional Commercial, Commercial Mixed-Use, Highway Mixed-Use, Service Industrial or Employment Mixed-Use Districts.

**Staff comment:** No outside storage other than the storage of recreational vehicles is proposed. The proposal includes security monitoring and bi-weekly employee visits to ensure the site will be cleaned and maintained.

16. All outdoor storage areas must be screened through the installation of fencing or vegetative screening. When located adjacent to Residenally zoned or used property or street right-of-ways, additional screening and/or landscape measures may be required by the Director.
Staff comment: As previously discussed, the project site is located in the Community Commercial zoning district, so it is subject to the stricter requirement of a solid masonry wall along the perimeter, per subsection 3 of this ordinance. A Condition of Approval is included to require a solid masonry wall.

17. A single watchman’s quarters is permitted either incorporated into one of the buildings or as a stand-alone structure as an accessory use to the self storage/Rv storage facility.

Staff comment: No watchman’s quarter is proposed with this project.

The proposed project as conditioned would comply with the performance standards listed above, which are intended to ensure compatibility with adjacent uses and conformance to the Master Plan and other applicable codes, policies, and district regulations. Furthermore, the proposed project includes a walking trail at rear, which is supportive of Master Plan goals related to outdoor recreation and pedestrian connectivity.

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 proposed use is similar and complementary to the development to the north, which included personal storage, but no boat and RV storage. Enhanced buffering will be provided on the side of the development adjacent to the public right of way. Required buffering standards (masonry wall, enhanced setbacks) will be used to minimize any adverse effects. The use is compatible with the surrounding uses as the project provides necessary landscape buffers and a quiet use type.

It is proposed that an appropriately sized left turn pocket at the existing intersection of Dayton Valley Road and Como Road be created to provide access and mitigate traffic into the site.

Staff Comment

In addition to conformance with performance standards for Self-Storage/RV Storage as discussed in relation to Finding A, the project includes Conditions of Approval that would ensure the project is compatible with the character of adjacent development and is designed to mitigate adverse impacts. The project, as designed and conditioned, provides screening to mitigate adverse impacts related to visual nuisances. The proposed driveway provides adequate area for on-site vehicle queueing before the entrance gate and the project is conditioned to ensure that any vehicle overflow onto Dayton Valley Road would be addressed to the satisfaction of Lyon County Road Department and the Community Development Director. The Applicant agrees to implement the requirements of Lyon County Road Department to install a turn pocket on Dayton Valley Road to facilitate access to the site. The project has been located outside of the Flood Zone AE Floodway to ensure conformance with flood safety requirements. 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

Traffic impacts from the project are very light with only 19 ADT estimated for the proposed use. This equates to the traffic volume that would be expected from approximately 3 single family homes. Queueing of clients will be handled on site.
Staff Comment
As a proposed RV and boat storage facility, daily trips to the site would infrequent and could be accommodated by the roadway infrastructure as conditioned with this project. The project was reviewed during a pre-application meeting by Lyon County Roads staff and their comments have been incorporated into the project and Conditions of Approval. 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
Traffic impacts from the project are expected to be very light with only 19 Average Daily Trips, 1 AM peak hour and 2 PM peak hour trips estimated using the ITE Trip generation web-based application, 11th edition. A left turn pocket for movements into the site is proposed for northbound traffic on Dayton Valley Road. Queuing will be handled on site through a deepened driveway entry, prior to accessing the security gate.

Staff Comment
As conditioned, the project includes a left turn pocket on Dayton Valley Road to ensure smoother turn movements when accessing the site, in accordance with the requirements of the Lyon County Road Department. 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
A solid masonry wall of 8 feet in height is proposed along the Dayton Valley Road frontage. Additionally, the front of the property is proposed to contain a 20-foot-wide landscape planter with a 2-3 foot tall berm and evergreens planted for the tree requirement. This treatment exceeds the street frontage screening requirement contained in 15.335.03(WW)(3).

Staff Comment
A condition of approval is included to ensure the project will provide a solid masonry wall along the full perimeter of the site, which will ensure that visual impacts and noise are adequately minimized and would not have an adverse impact on adjacent properties. With the project integrating the recommended conditions of approval, 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 additional standards required of the requested use will be complied with in the design and construction of the site. LCC15.335.03 (WW) will be addressed after the use is approved and the facility constructed.

Staff Comment
Title 15.335.03WW of the Lyon County Code provides the required performance standards for this proposed Self-Storage/RV Storage use. As discussed in relation to Finding A (above), the project has been designed and conditioned to comply with those performance standards. 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 Store-More Boat & RV Storage facility project will not create adverse environmental impacts such as smoke, dust, glare, noise, vibrations, fumes, pollution or odor nor would be detrimental to create a nuisance to surrounding properties. Such projects are typically quiet uses.*

**Staff Comment**

The proposed project as designed and conditioned would comply with County requirements intended to ensure the proposed conditional use would not be detrimental to the public health, safety, and welfare or result in material damage or prejudice to other properties in the vicinity. This finding is met.
STORE MORE BOAT AND RV STORAGE
222 DAYTON VALLEY ROAD

CONDITIONAL USE PERMIT

PREPARED FOR:
Blackcomb Property Group, LLC

PREPARED BY:

cfa

DECEMBER 19, 2022

UPDATED SITE PLAN AND NARRATIVE – 2/24/2023

PROJECT: 22-115.00
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Supporting Information –
- Current Vesting Deed,
- ITE Information on Trip Generation for Mini-Storage use,
- Title Report,
- Open Tech Alliance and Storage Genie Cut Sheets,
- Proof of Property Tax Payment ................................................ TAB D
Project Description

Property Location
The subject parcel is a 3-acre parcel located at the southwest corner of the intersection of Dayton Valley Road and Como Road. The property is defined by Lyon County to be APN 006-091-06. Access to the property will be served at the intersection of Dayton Valley Road and Old Como Road. The property is located within the suburban character district that is defined as,

“Suburbanizing Districts include those areas that are predominately medium to high-density residential development with regional/community commercial, neighborhood residential and commercial uses, and industrial and employment uses. Zoning district requirements and the Lyon County development standards for uses within this Character District reflect the "suburban" character of these areas and include requirements for Municipal water and sewer, roadway design appropriate to the planned land uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths).”

A Vicinity Map is provided below showing the subject parcel and development site that is associated with this request.

Project Request
This application is a request for a conditional use permit for the allowance of a self-storage/RV storage use on the subject parcel. The requested use is for covered boat and RV storage. The coverings/canopies are proposed to have solar panels on top of the structures to provide a renewable energy source of power for space renters to keep batteries charged and for other maintenance needs. The total number of boat and RV space is proposed to be 104 spaces. The proposed use is allowed within the existing parcel zoning designation (C-2 under Title 10 and CC under Title 15) with the approval of a conditional use permit. The specific design standard section of code that covers this use is 15.335.03 WW.
Vicinity Map
Land Use and Zoning

The subject parcel’s designated Land Use, per the Dayton Land Use map, is commercial (C) and zoned Commercial-2 (C-2) unit Title 10 and will hold a CC zoning designation with the transition to Title 15. The proposed future use of a self-storage and RV storage business is allowed under the existing zoning designation with a Conditional Use Permit. Exhibits showing the existing Land Use plan and zoning designations are provided on the following pages.
Project Summary
This application for a conditional use permit has been made to allow for additional review of the proposed use on a 3-acre site located adjacent to Dayton Valley Road. The site is relatively flat, and slopes from east to west. The site proposes 104 covered boat & RV storage spaces. The boat and RV spaces will all be 12 feet wide and range in depth between 17' to 52', providing for a variety of boat and RV sizes. The Boat and RV spaces along the southern property line are available for a 50-foot length unit, but only the northern ½ of the space will be covered. This will accommodate for the 20-foot setback requirement to the residentially
zoned property to the south of the project. These spaces will provide flexibility in the operation of the site providing the ability to accommodate longer units, if necessary while still meeting the setback requirement.

**Solar Power** - Solar panels are proposed to be incorporated into the project on canopy roofs. The solar power will provide electric to service to the boat and RV renters for maintenance of batteries or other equipment that may need to remain in a charging/charged state.

**General Site Operations & Security**
The Store More Boat & RV storage facility is proposed to be an unmanned facility that will utilize keypads and mobile application technology for access to the site and units which will allow the facility to be operated with a limited physical presence. Security of the site will be provided through an extensive cloud-based, AI-enabled video monitoring system. Best-in-class access controls and management will be used - see sample information regarding Open Tech Alliance and Storage Genie applications is provided in Tab D of this application. Access technology and security will be the same or similar in design and nature to these examples.

There will not be an on-site office, dump station nor garbage facilities, thus eliminating the necessity for a septic system and garbage service to the site. Maintenance of the site will be provided regularly by a local employee(s) who will be responsible for greeting new renters on first time of storage, maintenance and cleanup of the site on a regular basis and addressing problem issues that are identified at the site.

**Site Access**
Primary project access will be provided off Dayton Valley Road at the intersection of Como Road. As noted in the General Site Operations section of this overview, the space renters will have access to the site through kiosks, keypads and mobile application technology which will allow space renters to use their cell phone and the respective application, similar to a garage door opener, to open the gate(s).

The project driveway entering the site is 36 feet wide, providing two 12-foot entry lanes and one 12-foot-wide exit lane. Should two space renters show up at the same time, they may queue side by side while entering their codes for gate entry. Signage will be provided noting the ability to queue side-by-side, however; once space renters have been introduced to and begin using the site, this entry format will be explained and understood by the renter.

The length of the entry lanes average 60 feet. The side by side entry queuing will provide for 2 – 4 vehicles with trailers to stack at the entry, depending upon the length of the vehicles. A left turn pocket is proposed at the intersection of Dayton Valley Road and Como Road to accommodate for larger vehicles entering the site from the west. Full movement in and out of the project site is proposed with connection to the Dayton
Valley Road/Old Como Road intersection. An image of the project access is provided below and can be seen on the project plan sheets and exhibits in Tab B with this application.

The site design provides two-way travel throughout the site. The Central Lyon County Fire Protection District requires a 20-foot travel lane for fire access and two-way travel. The Lyon County Code (15.335.03 WW (9)) identifies that the minimum width of one-way drive aisles is 15 feet while a two way drive aisle is 24 feet. Each are noted to need a 10-foot parking lane, the drive aisles within the proposed facility have all been designed to be 35 feet in width, providing a 25 foot travel lane and a 10-foot parking lane on one side of each drive aisle. This width exceeds the code required widths for two-way travel.

An Access Plan is provided in Tab B with this application showing the interior and exterior radii for a fire truck (28 feet interior and 52 feet exterior).

Traffic
Using the ITE 11th Edition Trip Generation web-based application, the estimation of traffic for the project, using a very conservative estimation of 104 total units within the project site is 19 ADT with 1 AM and 2 PM peak hour trips. A copy of the ITE Trip Generation Estimate printouts from the ITE web-based application is provided in Tab D with this application.

Landscaping
The site is required to provide a 10-foot minimum landscape buffer along the entire side of the facility facing any street. For the proposed project, this is required along the eastern side of the project site, adjacent to Dayton Valley Road. A 20-foot landscape buffer has been provided along this side of the project site, exceeding the code requirement. Through initial discussion with County staff and comments from the Dayton Valley Advisory Board, heavier screening along the frontage was identified to be important. As such, the 20-foot planter along Dayton Valley Road is proposed to incorporate a 2–3-foot berm along with evergreen trees meeting Chapter 402 of the Lyon County Code and providing better year-round screening. The increased landscape planting height will be augmented with an 8-foot solid wall (discussed in the Wall & Fencing section) to help provide a solid screen along the property frontage with Dayton Valley Road.
A preliminary landscape plan is provided in Tab B with this application package showing the landscape areas along the project street frontage and at the project entry.

**Wall & Fencing**

The site is proposed to be fully secured with a solid wall along the front of the site and an open fencing treatment on the back half of the site. The solid wall is proposed to be a stamped concrete panel wall while the open fencing is proposed to be provided as chain link, matching the chain link fencing that is provided at the mini-storage site to the north of the subject parcel. An image of the existing chain link fence at the River Vista Storage project is provided, below. The Lyon County Code (15.335.03 WW) requires a solid masonry wall around the perimeter of the property. However, some areas of open fencing are proposed with the application for a few good reasons.

![Image of existing chain link fence](image.jpg)

**Rationale for allowance of some open fencing on the site**

- The western portion of the site does not present the same level of visual sensitivity that the eastern portion of the site does along Dayton Valley Road.
- The western portion of the site is within a flood zone. Should a solid wall be included around the entire property, flood waters that could come onto the property would be displaced and impact down-stream properties.
- There are portions of the property or areas on adjoining properties that would become “invisible” for security purposes with a solid wall. This would create areas where homeless camping or other undesired activities may not be recognized such that they can be addressed.

The image provided below shows the Fencing Plan (also provided in Tab B with this application) and notes areas where visibility for security would be improved and where flooding would be allowed to pass onto the site, as is currently experienced.
Wall/Fencing Examples

Stamped Concrete Panel Wall (Example)  Open Fencing (Example)
Lighting
Site lighting will consist of light standards or canopy end mounted lights similar in style to the picture below. The purpose of the lighting is to provide visibility for patrons and general security at the project entry and within the project site. The height of any free-standing lighting will conform with Lyon County requirements.

*Lighting Example*

Parking
The Lyon County Code (15.335.03 WW(8)) requires that one parking space be provided for every one hundred (100) storage units with a minimum of three (3) parking spaces required for the office facility. The design of the site does not hold an office facility. As such, there would be no requirement for the three “office” spaces. The site contains a total of 104 boat and RV storage spaces. Per the code requirement, two (2) parking spaces are required within the facility. One striped parking space is provided in the northwestern portion of the site at the end of a canopy section. The estimated parking within the 10-foot parking lanes that provides sufficient lineal distance to accommodate an additional 42+/- spaces. As such, parking requirement is met and exceeded. Due to the nature of the site, it is anticipated that the provided parking will be sparsely used because boat and RV storage uses typically see people actively hooking up or detaching their boat or RV with no need to park, in a traditional sense.
FEMA Flood Zones
The 3-acre site is located in both Zone X and Zone AE as defined by FEMA. Development of the property is proposed to only exist within the Zone X area. The Zone AE area on the western side of the site is proposed to be undeveloped. An exhibit showing the FEMA flood zones and the site boundary is provided, below.
Existing Site Photos
The development site slopes from east to west. The site lies at the intersection of a number of informal dirt trails that can be seen on the Lyon County GIS map. Site photos showing the access road to the development site and the existing site disturbance are provided, below.

View from NE corner of Dayton Valley Road and Como Road intersection toward site

View from Dayton Valley Road near southern property line. View to the west across site.
View from approximate midpoint on southern property line looking north across the project site.

View from approximate midpoint on northern property line looking south across the project site.

View from the northeast portion of the subject property to the north showing the existing open fencing treatment that has been used at the back side of the existing mini-storage site to the north.
Setbacks
Minimum setbacks within the C2 (Title 10) or CC (Title 15) zoning district are per LCMC 15.313.405.02(B)

Community Commercial Building Placement Requirements:

<table>
<thead>
<tr>
<th>Setback:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>From property lines abutting residential uses</td>
<td>20 feet</td>
</tr>
<tr>
<td>From property lines abutting adjacent public ROW</td>
<td>20 feet subject to chapter 360 of this title, commercial design standards</td>
</tr>
<tr>
<td>From front property line if the building is oriented toward the street and accesses the public sidewalk</td>
<td>10 feet subject to chapter 360 of this title, commercial design standards</td>
</tr>
<tr>
<td>From property lines abutting Commercial or Industrial Zones or uses</td>
<td>0 feet subject to applicable Building and Fire Codes</td>
</tr>
<tr>
<td>Rear</td>
<td>10 feet; 0 feet with alley</td>
</tr>
</tbody>
</table>

Development Statistics
Following is an abbreviated site development statistic listing for Store-More Boat & RV Storage facility project. Please see Schematic Site Plan for breakdown of units and area.

Total Parcel Size 3.0 +/- AC
  Site Development Area: 2.49 +/- AC
  Area to be Undeveloped 0.51 +/- AC

  Total Canopy Square Footage 50,000 +/- S.F.
  Total Paved Area 99,000 +/- S.F.
  Landscaped Area (front yard and entry landscape area) 5,600 +/- SF

Boat and RV Storage Spaces (Covered) 104

Parking Required (per 15.335.03 WW(8)) 2 parking spaces
Parking Provided – Includes 1 parking space and 10 foot parking lanes 43 +/- parking spaces
Conditional Use Permit Legal Findings Review

Section 15.230.06 -- Findings. When considering applications for a conditional use permit, the commission or Board, where applicable, 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:

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;

Policy FS 1.1: Location of New Development New development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

The proposed project site has existing utilities adjacent to the parcel, avoiding distant and costly extensions of service.

Policy C 7.1: Confer with Community Advisory Councils when developing a program or policy intended to address a community-specific issue, such as those listed in this Master Plan. County staff will confer with the applicable Community Advisory Board before finalizing a decision.

This project will be reviewed by the Dayton Advisory Board as part of the application processing.

Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan Future development of Lyon County will be consistent with the Land Use Plan. The Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county’s future urban and suburban growth will develop largely around existing communities.

The proposed development is located within the suburban character management area of Dayton and is located with convenient access within an existing community.

Policy LU 1.3: Commercial and Mixed-Use Development to be Located in Communities Non-residential development will occur in areas with existing or planned infrastructure, and in locations that are appropriately designated on the Land Use Plan. New suburban and rural residential development will be located near existing and future community centers.

Existing infrastructure is located nearby for direct service to the project site.

Policy LU 5.1: Encourage Resource-Sensitive Growth and Sustainable Design Lyon County will encourage development that incorporates the principles of sustainable design and that reduces
energy and resource consumption and impacts on the environment, by: • Minimizing resource consumption, energy use, and water use; • Using renewable energy sources and locally produced materials; • Exploring and encouraging alternatives to toxic pesticides and herbicides; and • Using programs such as LEED™ (Leadership in Energy Efficiency and Design), United States Department of Energy’s Building America Program, and Energy Star, and other standards for energy efficiency.

The project proposes the inclusion of solar panels on top of Boat and RV storage canopies to help reduce the overall power demand for the project.

Policy NR 5.1: Geothermal, Solar and Wind Lyon County will encourage utilization of available renewable energy resources, such as solar radiation, geothermal heat, and wind.

Policy NR 6.2: No Increase in Risk from Natural Hazards To the extent possible, Lyon County will avoid or mitigate increased risk from natural hazards to persons or property that are caused by development

Policy NR 8.2: Dark Skies Lyon County will minimize light pollution while allowing for adequate lighting for safety and security.

Policy FS 1.1: Location of New Development New development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.

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;

Response: The proposed use is similar and complementary to the development to the north, which includes personal storage, but no boat and RV storage. Enhanced buffering will be provided on the side of the development adjacent to the public right of way. Required buffering standards (masonry wall, enhanced setbacks) will be used to minimize any adverse effects. The use is compatible with the surrounding uses as the project provides necessary landscape buffers and a quiet use type.
It is proposed that an appropriately sized left turn pocket at the existing intersection of Dayton Valley Road and Como Road be created to provide access and mitigate traffic into the site.

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

Response: Traffic impacts from the project are very light with only 19 ADT estimated for the proposed use. This equates to the traffic volume that would be expected from approximately 3 single family homes. Queuing of clients will be handled on site.

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;

Response: Traffic impacts from the project are expected to be very light with only 19 ADT, 1 AM peak hour and 2 PM peak hour trips estimated using the ITE Trip generation web-based application, 11th edition. A left turn pocket for movements into the site is proposed for northbound traffic on Dayton Valley Road. Queuing will be handled on site through a deepened driveway entry, prior to accessing the security gate.

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

Response: A solid masonry wall of 8 feet in height is proposed along the Dayton Valley Road frontage. Additionally, the front of the property is proposed to contain a 20-foot-wide landscape planter with a 2-3 foot tall berm and evergreens planted for the tree requirement. This treatment exceeds the street frontage screening requirement contained in 15.335.03(WW)(3).

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

Response: The additional standards required of the requested use will be complied with in the design and construction of the site. LCC15.335.03 (WW) will be addressed after the use is approved and the facility constructed.

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. (Ord. 603, 11-1-2018)
Response: The Store-More Boat & RV Storage facility project will not create adverse environmental impacts such as smoke, dust, glare, noise, vibrations, fumes, pollution or odor nor would be detrimental to create a nuisance to surrounding properties. Such projects are typically quiet uses.
DAYTON VALLEY ROAD

PROPOSED 8' SOLID WALL

PROPOSED 6' SOLID WALL

PROPOSED 6' OPEN FENCING

ACCESS GATE

FLOODWAY AREA - ZONE AE

FEMA ZONE X

20' SETBACK TO CANOPY SUPPORTS

LANDSCAPE AREA

±250LF PASSENGER VEHICLE PARKING LANE

±200LF PASSENGER VEHICLE PARKING LANE

±166LF PASSENGER VEHICLE PARKING LANE

CARSON RIVER

DRAINAGE CHANNEL

UNDEVELOPED AREA

STORAGE SPACES

104 CANOPY COVERED BOAT AND RV SPACES

CANOPY COVERAGE AREA = 50,000 ±SF

PARKING PROVIDED

1 PASSENGER VEHICLE PARKING SPACE AND 10' PARKING LANE PROVIDED IN EACH DRIVE AISLE (PER CODE)

42 ASSUMED PARKING SPACES

SITE LEGEND

PROPOSED BOAT AND RV STORAGE CANOPY WITH SOLAR PANELS ON TOP. SHAPE AND SIZE OF CANOPIES ARE CONCEPTUAL ONLY

DEVELOPMENT STATISTICS

TOTAL PARCEL AREA = 3.00 ACRE

DEVELOPMENT AREA = 2.49 ACRE

LS AREA PROVIDED = 0.14 ACRE

UNDEVELOPED AREA = 0.51 ACRE

SITE PLAN

222 DAYTON VALLEY ROAD

DAYTON, NV 89403

LYON

NEVADA

REVISED SITE PLAN

2019

CIVIL IMPROVEMENT PLANS

STORE MORE BOAT AND RV CIVIL IMPROVEMENT PLANS

REVISED

Preliminary Not For Construction

Boat and RV Storage Canopy Examples
Land Use: 151
Mini-Warehouse

Description
A mini-warehouse is a building in which a number of storage units or vaults are rented for the storage of goods. They are typically referred to as “self-storage” facilities. Each unit is physically separated from other units, and access is usually provided through an overhead door or other common access point.

Additional Data
The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Colorado, Massachusetts, Minnesota, Nevada, New Jersey, Texas, and Utah.

Source Numbers
212, 403, 551, 568, 642, 708, 724, 850, 868, 876, 1024, 1035
Total ADT Estimate for 104 Units (Boat and RV and Storage Spaces) – 19 ADT
Mini-Warehouse
(151)

Vehicle Trip Ends vs: Storage Units (100s)
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Storage Units (100s): 5
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Storage Unit (100s)

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
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<tbody>
<tr>
<td>17.96</td>
<td>12.25 - 33.33</td>
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</table>

Data Plot and Equation

Fitted Curve Equation: $T = 18.86(X) - 4.09$

$R^2 = 0.96$

Trip Gen Manual, 11th Edition
Institute of Transportation Engineers
222 Dayton Valley Road – Store More Boat and RV
AM Peak Hour Trips (Weekday)

Total AM Peak Hour Trips for 104 Units (Boat and RV and Storage Spaces)
Estimated Average AM Peak Hour Trip Ends 2 -- 1 (Entry) and 0 (Exit)
Mini-Warehouse
(151)

Vehicle Trip Ends vs: Storage Units (100s)
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Storage Units (100s): 7
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Storage Unit (100s)

<table>
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<tr>
<th>Average Rate</th>
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<tr>
<td>1.21</td>
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Data Plot and Equation

Fitted Curve Equation: $T = 1.64(X) - 2.90$

$R^2 = 0.68$
222 Dayton Valley Road – Store More Boat and RV
PM Peak Hour Trips (Weekday)

Total PM Peak Hour Trips for 104 Units (Boat and RV and Storage Spaces)
Estimated Average PM Peak Hour Trip Ends 2 -- 1 (Entry) and 1 (Exit)
Mini-Warehouse
(151)

Vehicle Trip Ends vs: Storage Units (100s)
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Storage Units (100s): 5
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Storage Unit (100s)

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<tbody>
<tr>
<td>1.68</td>
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Data Plot and Equation

Fitted Curve Equation: Ln(T) = 0.60 Ln(X) + 1.07

\[ R^2 = 0.52 \]
NOTE: This is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. Use of this plat for other than assessment purposes is forbidden unless approved by the Lyon County Assessor’s Office.
Hands-Free Access To Your Storage

Secure access to our property all while keeping your phone in your pocket!

Storage Genie mobile app securely grants access to our property all while keeping your phone in your pocket! Keep track of your onsite activity, make payments and contact us all from your mobile. Download the app today!

Features

**Beacon Technology**
Utilizes beacons embedded in keypad to securely grant access to our property without opening phone.

**Access History**
Keep track of activity onsite. Businesses, see who is using the unit and when.

**Make a Payment**
Life is busy and we want to make it easier for you to make an online payment for your storage unit.

**Contact Us**
Your important to us and we want to hear from you! Call or email us with a click of a button.

Download from App Store

Get the app
Overview & Components

INSOMNIAC CIA consists of the three main hardware components:
The Gateway, Keypad and Relay Expansion Modules. A typical self-storage will utilize a Gateway and one more Keypads. The Relay Expansion Modules are typically used for elevator and lighting controls. The Storage Genie mobile app communicates with the keypad from the users mobile device using its' built-in Bluetooth Beacon technology.

Gateway
Enclosure: Indoor, Aluminum, Power Coated
Communications: RS485 (2), Optional Wireless (900 MHz), Ethernet
Secure Communications: Yes; No requirement for static IP; Open
Ports or Port Forwarding
Form C Relay Outputs: 4
Auxiliary Inputs: 8
Wiegand Interface: 2
Tamper: Yes
Battery Backup Power: Yes
Device Power: Up to 16 Devices
Operating Voltage: 12-24 VDC
Operating Temperature Range: 22 – 120 F
Humidity: 0-95% Non-Condensing
Ingress Rating: IP44
Listed to UL Specification 294 for Access Control

Keypad
Enclosure: Indoor/Outdoor, Power Coated Aluminum
Lockable Design with Captive Screws and Hinged Faceplate
“Text Me My Code” Capability
Bluetooth Beacon: Yes. For use with Storage Genie mobile app
Communications: RS485 (1), Optional Wireless (900 MHz)
Secure Communications: Yes
Display: 4 Line Organic LED (OLED) Customizable Display
Form C Relay Outputs: 2
Auxiliary Inputs: 4
Tamper: Yes
Wiegand Inputs: 1
Intercom: Yes
Camera: Optional
Operating Voltage: 12 - 24 VDC, 500ma
Operating Temperature Range: -31 – 150 F
Humidity: 0 – 95% Non-Condensing
Ingress Rating: IP55. Gasket to prevent moisture
Listed to UL Specification 294 for Access Control

*Allows tenants to retrieve their access code by text message.

*INSOMNIAC CIA is a registered trademark of OpenTech Alliance, Inc. All rights reserved.
Relay Module
Enclosure: Indoor/Outdoor, Aluminum, Power Coated
Communications: RS485 (1), Optional Wireless (900 MHz)
Secure Communications: Yes
Form C Relay Outputs: 8
Auxiliary Inputs: 8
Tamper: Yes
Elevator Override Key: Yes
Operating Voltage: 12-24 VDC
Operating Temperature Range: -31 – 150 F
Humidity: 0 – 95% Non-Condensing
Ingress Rating: IP55. Gasket to prevent moisture
Listed to UL Specification 294 for Access Control

INSOMNIAC CIA Portal
Web based software
No software or PC required at property
Access via PC, Mac, Tablet or mobile device
User Dashboard
Real-time diagnostics
Data visualization and reporting
Control one to thousands of properties
Secure Communications: Yes; No requirement for static IP; Open Ports or Port Forwarding

Storage Genie Mobile App
Compatible with Apple iOS or Android
Bluetooth Beacon technology for secure “No Touch” operation -
- Allows tenants to enter & exit property, open doors, gates, elevators, etc. completely handsfree
No requirement for PC at property
Allows access to multiple properties
Customer notification and alerts

Lightning/Surge Protection
Testing Lab: National Testing Systems (NTS)
Power Inputs: 20,000V at 10,000 Amps
RS485 Communications: 16,000V at 380 Amps

*INSOMNIAC CIA is a registered trademark of OpenTech Alliance, Inc. All rights reserved.
Tax Account 006-091-10

Owners
DAYTON FLYER LLC
1805 N CARSON ST #53
CARSON CITY, NV 89701-0000

Account Summary

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<tr>
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$649.00 is due by March 06, 2023.
You can pay any amount up to $649.00 (the current balance).

Current Year

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Current Year Installments

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<td>Pay $649.00 Now</td>
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Past Years
Citizen Advisory Board
Letter of Transmittal

Meeting Date: February 1, 2023

Advisory Board: Dayton Regional Advisory Board

Please select which board this item is to be brought before:

Board of Commissioners ___X___, (and/or) Planning Commission ___X___

Agenda Item:
11. For presentation, discussion and possible action: Conditional Use Permit request from Blackcomb Property Group, LLC to allow for a Self storage/RV storage use at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

Recommended Motion and/or Report:
Christopher Gonzales moved that the Conditional Use Permit request, as read into the record by the chairman, be forwarded to the Planning Commission/BOCC with a recommendation for approval, conditioned on the following;

- project incorporates roadway improvements including reconfiguration of the pedestrian crosswalk, installation of a left hand turn lane into project, and analysis of sight distance at project exit.
- project incorporates features to address adverse visual impacts on Dayton Valley Road frontage.
- Lyon County Boards and Staff consider the adverse impacts of creating spaces between existing and proposed walls, specifically on the projects north lot line, that can collect debris and promote houseless encampments.

Gina Lee seconded, motion carried 5-0.

Advisory Board or Public Concerns:
Gina Lee asked how it was established that there was a need for this type of facility in this location. Speaker Ely May answered that a similar facility opened in Moundhouse in October 2022 for 150 units and it was full by January. Also the nearby restrictive HOA requirements at the Golf Course communities do not allow for any RV or Boat storage onsite.
Phil Cowee wants taller fencing along Dayton Valley Road as his (neighboring) business was required to do. The intersection of Como Road is a concern as it does not quite line up with the intended access point for the facility.
Leandra Carr is fully supportive of this project

Submitted By: Gina Lee, Secretary  Date: February 2, 2023
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
18.c

Subject:
For Possible Action: To approve a request to extend the time period in which to record a final subdivision map, or the first in a series of final subdivision maps, by Stan Lucas for the Traditions Village 2 tentative subdivision map, approved on May 2, 2019 for a total area of approximately 101.12 acres, including a maximum of 195 single family residential lots on approximately 75.86 acres plus four (4) Remainder Parcels. The residential lots range in size from 9,000 square feet to over 22,000 square feet. The site is generally located north east of Nevada Station Parkway and north of the US 50/Traditions Parkway intersection in Dayton (APN: 016-406-13) PLZ-18-0013.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

- StaffReport
- Backup
STAFF REPORT

PLZ-2023-009  Extension of Time for Traditions Village 2 Tentative Subdivision Map
Meeting Date  April 6, 2023
Owner(s)  Stan Lucas
Applicant  Project One/Susan Pansky
Development Name  Traditions Village 2 Tentative Subdivision Map
Area Location  Dayton
Zoning  SR-9,000 (Suburban Residential – 9,000 sf minimum parcel size)
Master Plan  Suburban Residential
Parcel Number  APN 016-406-13

REQUEST

The applicant has requested a two (2) year Extension of Time, until May 2, 2025, to record the first in a series of final maps for the Traditions Village 2 tentative subdivision map located in Dayton, NV.

Staff Recommendation

Staff recommends approval of the extension of time request.

FINDINGS AND MOTIONS

If the Board of Commissioners determines that there is sufficient reason to approve the requested extension of time for the applicant, the Board may wish to consider a motion similar to the following.

The Lyon County Board of Commissioners finds that:
A. The requested extension of time is consistent with the applicable provisions of Lyon County Code;
B. The requested extension of time will not be detrimental to the public health, safety, convenience and welfare; and
C. The requested extension of time 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 request by Project One for a two (2) year extension of time (May 2, 2025) to record the final subdivision map or first in a series of final subdivision maps for the Traditions Village 2 Subdivision (APN 016-406-13) (PLZ-2023-011).
Alternative Findings and Motions
The alternative motions suggested below are offered for the Board of Commissioner’s consideration.

Alternative for Continuance
If the Board of Commissioners determines that additional information, discussion and public review are necessary for a more thorough review of the requested time extension for the Traditions Village 2 tentative subdivision map, the Board should make appropriate findings and move to continue the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Board may wish to consider a motion similar to the following.

The Board of Commissioners finds that:
A. Additional information, discussion and public review are necessary for a more thorough review of the requested time extension.

Based on the above findings and with the applicant’s concurrence, the Lyon County Board of Commissioners continues the request by Project One for a two (2) year extension of time (May 2, 2025) to record the final subdivision map or first in a series of final subdivision maps for the Traditions Village 2 Subdivision (APN 016-406-13) (PLZ-2023-011) for __ days.

Alternative for Denial
If the Board of Commissioners determines they do not want to extend the tentative subdivision map approval for the proposed Traditions Village 2 development, the Board will need to make findings that support denial of the requested time extension. The Board may wish to consider a motion similar to the following.

The Lyon County Board of Commissioners finds that the requested extension of time:
A. Would be detrimental to the public health, safety, convenience and welfare; and
B. Would result in material damage or prejudice to other property in the vicinity.

Based on the aforementioned findings, the Lyon County Board of Commissioners denies the request by Project One for a two (2) year extension of time (May 2, 2025) to record the final subdivision map or first in a series of final subdivision maps for the Traditions Village 2 Subdivision (APN 016-406-13) (PLZ-2023-011).
Staff Review and Comments

The Traditions Village 2 tentative subdivision map was approved by the Board of Commissioners on May 2, 2019, subject to 28 Conditions of Approval.

Condition #1 of the 2019 tentative subdivision map approval states the following:

“1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners within four (4) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.“

In the letter submitted requesting the extension of time, the applicant states that the development has not yet commenced due to the slowing of the housing market and with their continued efforts in completing Traditions Village 1, they have not yet focused resources on Traditions Village 2. Commencement is anticipated within the next 6 months to ensure that the first Final Subdivision Map records within the required timeframe.

Staff believes that the three findings supporting an extension of time can be met:

A. The requested extension of time is consistent with the applicable provisions of Lyon County Code.
   The extension of time request is consistent with the subdivision of land sections of Title 15.

B. The requested extension of time will not be detrimental to the public health, safety, convenience and welfare.
   The potential impacts to the public were addressed in the original approval of the Tentative Subdivision Map (PLZ-19-0014) and there are no proposed changes to the project that would alter that assessment.

C. The requested extension of time will not result in material damage or prejudice to other property in the vicinity.
   There are no known damages or prejudices that would arise from the requested time extension to record a Final Map.
February 20, 2023

Mr. Andrew Haskin, Community Development Director
Lyon County Community Development
27 S. Main Street
Yerington, NV 89447

RE: Traditions Village 2 (PLZ-19-0014), Tentative Map Extension of Time Request

Dear Mr. Haskin:

On behalf of Stan Lucas, the property owner for the Traditions Village 2 Tentative Map, I would like respectfully request a two-year extension of time for recordation of the first final map associated with this project. The Traditions Village 2 Tentative Map was approved on May 2, 2019 for 195 single-family residential lots and four remainder parcels, located in Dayton, Nevada north of the Traditions Village 1 subdivision.

With the slowing of the housing market and our continued focus on completing Traditions, Village 1, we have not yet begun to focus resources on Traditions, Village 2. We expect to begin the improvement plan design process within the next six months to ensure that we will be able to record our first final map in a timely manner.

Please see a copy of the Traditions Village 2 site plan and conditions of approval attached for reference. Thank you for your consideration. If you have questions or concerns, please contact me at (775) 250-7981 or susan@project-one.com.

Sincerely,

Susan Pansky, AICP
Representative for Stan Lucas

Attachments:
- Traditions Village 2 Site Plan
- Traditions Village 2 Revised Conditions of Approval
March 30, 2021

Stanley Lucas
2850 Temple Ave.
Long Beach, CA 90806

RE: TRADITIONS VILLAGE 2 / STANLEY LUCAS – MERGER AND RESUBDIVISION TO A TENTATIVE SUBDIVISION MAP - Request to combine three (3) existing parcels totaling 210.93 and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (a portion of APNs 16-406-06; 016-406-08 and 016-401-93) PLZ-19-0014

Dear Mr. Lucas:

On May 2, 2019, a Notice of Final Action was filed with the Lyon County Clerk, pursuant to NRS 278.0235 and NRS 278.3195 which starts the commencement of the twenty-five day limitation period specified therein.

At their regularly scheduled meeting of Thursday, May 2, 2019, the Lyon County Board of Commissioners considered the above referenced application.

By unanimous vote (5 ayes; 0 nay; 0 abstentions) the Lyon County Board of Commissioners approved your request to combine three (3) existing parcels totaling 210.93 and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development, (APNs 16-406-06; 016-406-08 and 016-401-93) based on the recommended findings and the 28 conditions listed below:

1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners within four (4) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.

2. The applicant shall comply with all Federal, State, County and special purpose district regulations.

3. The developer shall provide the proposed Covenants, Conditions and Restrictions ("CC&Rs"), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the common open space lots and storm drainage facilities and other provisions necessary for the subdivision as approved, for review by the Community Development
Director, the Utilities Director, the County Engineer and District Attorney's Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.

4. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.

5. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.

6. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.

7. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.

8. Required recording fees to be paid at time of recording map.

9. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.

10. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.

11. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.

12. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Community Development Department prior to final subdivision map recordation.

13. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems, natural gas, electricity, cable television, and telecommunications prior to recordation of a final subdivision map or first in a series of final maps for this project.

14. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

15. The applicant shall comply with County requirements, in accordance with Title 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any site development work prior to any disturbance occurring on the subject site. The grading permit application shall also include documentation of approval of a Stormwater Pollution Prevention Plan ("SWPPP") with the Nevada Department of Environmental Protection (NDEP).

16. The applicant shall obtain any required Air Quality Permit(s) from the (NDEP) and apply appropriate dust abatement processes as part of the development construction prior to any disturbance on the site.
17. The improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be stared until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.

18. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.

19. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code including, but not limited to:
   a. The developer shall construct Traditions Parkway and Nevada Station Parkway from Highway 50 to the project site as part of the final map or first in a series of final maps for the project. Initial improvements shall at a minimum consist of two travel lanes in each direction within the two street rights-of-way to the approval of the County Engineer, the Road Superintendent the Central Lyon County Fire Protection District ("CLCFPD") Fire Chief. If the project is developed in phases, then as the successive final maps are submitted the Traditions Parkway and Nevada Station Parkway shall be expanded to accommodate the additional traffic from construction workers and residents of the project to the approval of the County Engineer, Road Superintendent and CLCFPD Fire Chief.
   b. Access onto Nevada Station Parkway shall be barricaded to prevent public use until the Road Superintendent determines the improvements to proposed Rock Creek Parkway, Nevada Station Parkway and Traditions Parkway are sufficiently complete to allow access to the public through to the Traditions Village 1 Subdivision to the west of Traditions Village 2.
   c. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
   d. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
   e. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
   f. Street name signage shall be installed.
   g. The developer shall install street lighting in compliance with the requirements of the Roads Department;
   h. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
   i. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
   j. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
   k. The developer shall install Type 3 barriers and cattle guards at the terminus of all streets that terminate at the boundaries of the subject site and vacant undeveloped lands to the satisfaction of the Road Superintendent;

20. The applicant shall comply with Lyon County’s 1996 drainage guidelines (as revised 2018). The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director.
prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.

a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

b. The applicant shall provide documentation that easements have been recorded to permit discharge of project generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.

c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.

d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.

e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

f. Debris grates are required at the pipe inlets of the retention/detention basins.

g. Prior to issuance of the first building permit for residential home construction within Traditions Village 2, the applicant shall either pay their proportionate share of any necessary storm drain improvements as a part of future regional stormwater facilities program or shall design and install a stormwater conveyance improvement to the county’s satisfaction that conveys the Traditions project stormwater across the Cardelli Ditch toward the Carson River. The stormwater conveyance improvement is contingent upon Lyon County securing the easements necessary to construct said improvements and shall be subject to a development agreement for reimbursement from the properties that affect the same drainage basins.

21. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, Road Director, Utilities Director, Building Official, CLCFPD or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County’s approval of the various systems. All facility construction shall be completed and inspected by the Building Official’s satisfaction prior to the issuance of a Certificate of Occupancy will be allowed in any single family residence for this project.

22. The applicant shall comply with all applicable building and fire code requirements.

23. The water system must meet the requirements of the Lyon County Utilities Department and CLCFPD and be constructed in accordance with the following:

   a. The location of fire hydrants shall be determined by the CLCFPD Fire Chief or their designee.
b. A minimum required fire flow is required for each fire hydrant as directed by the CLCFPD Fire Chief or their designee.

c. Prior to any combustible materials being brought on site the following shall occur:

d. All required fire hydrants are to be installed and fully operating.

24. The applicant shall meet the requirements of NDOT as per the comments received April 1, 2019.

25. Distinct and legible “temporary” addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.

26. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.

27. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:

   a. No loud music;
   b. No alcohol or drugs;
   c. Dispose of personal trash and site debris;
   d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
   e. No burning of construction or other debris on the property.

28. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

Please contact the Community Development Department at 775-463-6592 if you have questions or concerns regarding the action taken on this Planning item.

Sincerely,

Jeff Page
Lyon County Manager

cc: File
   Clerk’s Office
   Assessor’s Office
   Dayton Advisory Board
   Manhard Consulting ATTN: Karen Downs 241 Ridge St. Suite 400 Reno, NV 89501
   Susan Pansky 615 Ubaldo Ct. Reno, NV 89521
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number: 19.a

Subject: For Possible Action: Acknowledge resignation from Greg Clausen from the Lyon County Planning Commission.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Resignation Letter
Planning Commission Resignation

1 message

Greg Clausen <gclausen@lyon-county.org>  
Mon, Mar 13, 2023 at 4:53 PM

To: Andrew Haskin <ahaskin@lyon-county.org>, Shannon Juntunen <sjuntunen@lyon-county.org>, Erin Lopez <elopez@lyon-county.org>

Andrew / Shannon / Erin,

To avoid future conflict of interest issues, I resign as a member of the Lyon County Planning Commission effective immediately.

Thank you for your support!

Best regards, Greg
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
19.b

Subject:
For Possible Action: Appoint a member to the Planning Commission, with a term expiring December 31, 2026.

Summary:
Gregg Clausen resigned his seat as a Planning Commissioner and therefore leaving a position available in the Planning Commission.

A citizen can only be appointed to either an advisory board or Planning Commission per Lyon County Ordinance 3.02.02 B. The appointed members of the Planning Commission shall hold no other public office. Per NRS, the Chair makes the appointment and the BOCC approves of the appointment.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Report of Planning Items and Current Commissioners
- Clerk Affidavit
- Jeff Le Grand, Application
- Jimmie A. Richards, Application
- Mark Hamilton Jones, Application
- Michael Weiss, Application
- Shannon Ceresola, Application
- Suzanne Armstrong, Application
# Planning Commission Items by Community - January 2022 to Current

*Note: This does NOT include ADRs, FPMs, FSMs, RTAs, and other Planning items that don't go to the Planning Commission*

<table>
<thead>
<tr>
<th>Community</th>
<th>Tentative Subdivision Map</th>
<th>Tentative Parcel Map</th>
<th>PUD and PUD Amendment</th>
<th>CUP</th>
<th>Variances - Minor/Major</th>
<th>Master Plan Amendments</th>
<th>Zoning Map Amendments</th>
<th>Tentative Parcel Maps</th>
<th>TUP</th>
<th>Abandonment</th>
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*Note: The item with the most application type per Community is shown in **BOLD**

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# Planning Commission by Community

<table>
<thead>
<tr>
<th>Planning Commissioner</th>
<th>Community</th>
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<tbody>
<tr>
<td>Loretta Sell</td>
<td>Silver Springs</td>
</tr>
<tr>
<td>Shawn Keating</td>
<td>Dayton</td>
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<tr>
<td>Constantine Kuzmicki</td>
<td>Smith Valley</td>
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<tr>
<td>Michael Carlson</td>
<td>Dayton</td>
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<tr>
<td>Audrey Allan</td>
<td>Dayton</td>
</tr>
<tr>
<td>Ralph Ewing</td>
<td>Dayton</td>
</tr>
</tbody>
</table>
STATE OF NEVADA  )  
COUNTY OF LYON  )  

I, Staci Lindberg, County Clerk/Treasurer of said county, being duly sworn, deposes and says, that on the 8th day of March, 2023, I have reviewed the applications as listed on the Agenda and that said Applicants are registered to vote in Lyon County at the resident address listed on their applications. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 8th of March, 2023.

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

Contact Information:

Name: Jeff Le Grand
Address: 381 Angelina Circle, Wellington, NV 89444
Phone: (951) 515-2123  Email: JeffLeGrand@ski.global.net

How long have you been a resident of Lyon County? 2 1/2 years

How many board or commission meetings have you attended in the last year? 0

List boards or commissions you presently serve on or have served on in the past including dates of service:

Have not served on any boards or commissions, however have spoken at quite a few.
Education and/or training relevant to the position you are applying for:

40+ years experience in land planning and civil engineering. I have attached a copy of the company brochure.

Explain briefly why you would like to be appointed to this board or commission:

Hopefully, to make a positive impact in the area in which I live, and now where one of my kids & grandkids live.

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: [Signature]

Date: 3-6-23

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: [Signature]

Date: 3-6-23

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
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
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☐ Central Lyon Vector Control Board
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☐ Mason Valley 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: Jimmie A. Richards

Address: 6 Rio Vista Drive, Yerington, Nevada 89447

Phone: 775-309-5749  Email: jimmiealan@gmail.com, jrichards@lyon-county.org

How long have you been a resident of Lyon County? 4 years 8 months

How many board or commission meetings have you attended in the last year? 2

List boards or commissions you presently serve on or have served on in the past including dates of service:

None
Education and/or training relevant to the position you are applying for:

Masters degree in Public Administration

Explain briefly why you would like to be appointed to this board or commission:

As a citizen and part time employee (Library) of Lyon County I would like to provide my time in helping to make Lyon County grow and provide better services to its citizens. Working on the planning commission would help me, as a Lyon County resident, do that.

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: [Signature] Date: 2/16/2023

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: [Signature] Date: 2/16/2023

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
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
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☐ 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: Sir Mark Hamilton Jones
Address: 60 Artesia Rd Wellington, NV 89444
Phone: 619-823-7073 Email: 1N4611@HOL.COM

How long have you been a resident of Lyon County? Aug 2019 - to Present

How many board or commission meetings have you attended in the last year? 6-7

List boards or commissions you presently serve on or have served on in the past including dates of service:

Smith Valley CAD Jan 1 - Present Vice-Captain
Education and/or training relevant to the position you are applying for:

Please see attached Resume.

Explain briefly why you would like to be appointed to this board or commission:

_**I believe in service to my community. In the last 2 years, I have poured myself into making Lyon County a better place by working hard to put good people into office. I was a good year.**_

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: [Signature]  
Date: 10 Feb 2023

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: [Signature]  
Date: 10 Feb 2023

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
SIR MARK H. JONES
President, INAG Inc.

I graduated from San Francisco State with his bachelor's degree in business and advertising. In 1970, I joined the USAFR where I served as an Aircraft Electrician on the C-130 airplane. I received an Honorable Discharge and left with the rank of E-5. I was Chairman of the General's Safety Advisory Board and Chairman of the General's Airman Advisory Board.

I Married that same year and started my career in the retail industry working for Alpha Beta, Lucky and Home Depot and worked in management in all 3. At the same time, I started working with the United Food and Commercial Workers Union as a Vice President and soon appointed to the Central Labor Council. At the same time, I joined the Novato Fire Department and Awarded my Firefighter 1 Certificate and EMT License. I served as a Volunteer for 10 years, and President of the Association for 3 years.

I started my own financial service franchise and earned my Insurance, Securities 7 and Real Estate licenses and became a Regional Vice President with approximately 100 agents within my company. I sold that business and became a poker dealer as I needed a rest from management. Dealers were making on average $250.00 per day without the headaches. I have dealt and managed in both Class II and Class III gaming. I bring over 50 years of business management experience to the table. I have a thorough knowledge of management, operations, marketing, promotions, customer development and retention, sales, personnel, training, financial statements, loss prevention, player tracking, table games management and operations, slot operations and cash cage operations. I have completed the Casino Management Certification Program at the University of Nevada, Reno Campus. I have completed 30 hours of Slot operations Management and 30 hours of Table Games Management. I have also taken casino financial classes in Las Vegas. I am active in casino consulting and have been successful in working with and growing the knowledge of managers across the country. I was called upon on a regular basis to lecture at gaming conventions and wrote for 2 gaming publications.

Career Autobiography

President/ CEO
INTERNATIONAL NETWORK in ADVANCE GAMING INC., Paradise, CA 1/99 - Present

I currently run the operation of the company I started in 1999. I am responsible for payroll, game development, product acquisition, consulting services, contract negotiations, product pricing and company licensing. Our company mission is to take proven games and make them more profitable for the casinos. We have done this with Roulette, Craps, Blackjack, Pai Gow and Poker. I have 23 Utility Patents with several more pending. I handle all required filings with the states and the DOJ in Washington. INAG Inc. has received a positive Finding of Suitability from the State of California. I have my Manufacture, Distributor and Slot Route
Operations Licenses in Nevada and have over 20 Tribal Gaming Licenses. Our current net worth is 6 million.

**BEAUTY BAR BOTIQUE** (Medi-spas) August 2021 to present Mississippi. I am a partner and CFO of 2 locations in Mississippi. We specialize in high-end services. These include Botox, Fillers, Laser treatments, Micro-needling, Hair removal and growth, Lash extensions, Hair extensions, Facials and Brows. First year revenue $850,000

Day-Shift Casino Manager
**SYCUAN CASINO AND RESORT**, El Cajon, CA 5/95 - 6/03
Day Shift Casino Operations Manager. Other positions held: Assistant Director Slot Operations, Assistant Casino Shift Manager, Pai Gow Shift Manager, 21 Shift Manager, 21 Floor Manager, 21 Dealer, Casino Safety Committee. Sycuan employed 2200 people. Gaming includes 2000 ticket in/ ticket out slots (converted from coin), 80 table games, 250- seat OTB and 1200 seat Bingo. Amenities: 5 restaurants, 450 seat State of the Art Theater, 54 holes of golf and a 99 room hotel. As Casino Operations Shift Manager, I handled any and all issues that presented themselves on my shift. We were in a very diverse environment and had to understand many different cultures including the Sycuan Tribal Culture. I know how to get things done through my team of managers. I have been through a large expansion and understand the need for change and to stay current in the market.

INAG was awarded the title “World’s Greatest Card-Based Gaming Company” by World’s Greatest as seen on TV. INAG has grown to the 3rd or 4th largest card-based gaming company in the world with revenues exceeding 1.5 million per year. We are doing business internationally at this time and continue to grow.

I am a member of the International Masters of Gaming Law. This is an invitation only organization of the leading gaming attorneys and gaming regulators in the world. I was invited because I took on the Division of Gambling Control in CA and was able to bring my card based roulette and craps games to the tribal casinos. My roulette game is now the #1 card based roulette game in the world.

**Community Service**

I am currently Vice-Chair of the Smith Valley Citizen Advisory. I took on this task while waiting for an opening on the Planning Commission. That spot is not open.

I served as Vice-Chair of the LCRCC and Chair of the Activities Committee of the Lyon County Republican Central Committee for the 2022 primary and general election cycle. I am still a delegate and very active.

I am an Eagle Scout and have served in leadership in Lyon International, Elks, and Eagles.

I am currently Past Master of Douglas Lodge #12 Free and Accepted Masons, Shriners International and Scottish Rite. I belong to 3 Blue Lodges (CA, NV, Japan).

I am a member of the Royal Order of Scotland, Edinburgh, Scotland where I received my Knighthood.
I submitted an application for Planning but was informed they would not accept it until an opening was available. With the current opening, I hope you will consider me to fill the vacancy.
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
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☐ 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:   M I C H A E L   W E I S S

Address:    205 CHAPARZAL DRIVE   #285   SMITH  89480

Phone:  661-703-3366    Email:  CIGARBOX @ HOTRODZ.COM

How long have you been a resident of Lyon County?   4 MONTHS

How many board or commission meetings have you attended in the last year?  1

List boards or commissions you presently serve on or have served on in the past including dates of service:

- 10 YEARS ON HOA BOARD -- HELD ALL POSITIONS (PRES, V/P, ARCHITECTURAL, RULES/REGULATIONS
- L.A. COUNCIL OF SKI CLUBS -- PRES, V/P
- CERTIFIED HANDICAP DISABILITY -- SOCAL GOLF ASSOC -- 2002 TO 2014
Education and/or training relevant to the position you are applying for:

HOA BOARD EXPERIENCE

MANaged MULTI MILLION DOLLAR AEROSPACE COMPANY 30+ YEARS
NEGOTIATE NUMEROUS CONTRACTS FROM INQUIRY TO COMPLETION

Explain briefly why you would like to be appointed to this board or commission:

BEING VERY COMMUNITY MINDED, I FEEL IT'S CRUCIAL TO OBTAIN INPUT ON LOCAL ISSUES/WANTS/NEEDS. I AM A TEAM PLAYER AND WELL ORGANIZED

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: 2-22-2023

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: 2-22-2023

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
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
☐ Mason Valley 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: Shannon Ceresola, QSD, QSP

Address: 1000 Truckee Lane, Fernley, NV

Phone: (775) 240-4785 Email: sc@ceresolainspectionservices.com

How long have you been a resident of Lyon County? 10 Years, but have owned residential and commercial property since 2000.

How many board or commission meetings have you attended in the last year? 2

List boards or commissions you presently serve on or have served on in the past including dates of service:

Fernley Chamber of Commerce Director 2018-present

Fernley Chamber of Commerce Vice-President 2020, 2021

Fernley Chamber of Commerce President 2022

Board Member Fernley Main Street America
Education and/or training relevant to the position you are applying for:

Bachelor of Arts in Communication, minor in Biology and Political Science from UNLV. I have completed post-graduate work at UNR. Certified California and Nevada Qualified Stormwater Developer and Practitioner (QSD, QSP).

Explain briefly why you would like to be appointed to this board or commission:

My family has been in Lyon County and Fernley for 6 generations, and I am very active within the communities economic and municipal growth. I own multiple small businesses within Lyon County and have a diverse vocation within the construction, environmental and public relations fields. I have been self-employed for over 22 years and am interested in working to create an effective community development plan by taking a comprehensive approach to meeting our community needs - an approach that recognizes the interrelationship of economic, physical and social development while implementing them within the approved standards of the County's Land Use and Development Code.

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: March 6, 2023

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: March 6, 2023

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
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
☐ Mason Valley 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: Shannon Ceresola, QSD, QSP
Address: 1000 Truckee Lane, Fernley, NV
Phone: (775) 240-4785
Email: sc@ceresolainspectionservices.com

How long have you been a resident of Lyon County? 10 Years, but have owned residential and commercial property since 2000.

How many board or commission meetings have you attended in the last year? 2

List boards or commissions you presently serve on or have served on in the past including dates of service:

Fernley Chamber of Commerce Director 2018-present

Fernley Chamber of Commerce Vice-President 2020, 2021

Fernley Chamber of Commerce President 2022

Board Member Fernley Main Street America
Education and/or training relevant to the position you are applying for:

Bachelor of Arts in Communication, minor in Biology and Political Science from UNLV. I have completed post-graduate work at UNR. Certified California and Nevada Qualified Stormwater Developer and Practitioner (QSD, QSP).

Explain briefly why you would like to be appointed to this board or commission:

My family has been in Lyon County and Fernley for 6 generations, and I am very active within the communities economic and municipal growth. I own multiple small businesses within Lyon County and have a diverse vocation within the construction, environmental and public relations fields. I have been self-employed for over 22 years and am interested in working to create an effective community development plan by taking a comprehensive approach to meeting our community needs - an approach that recognizes the interrelationship of economic, physical and social development while implementing them within the approved standards of the County's Land Use and Development Code.

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: [Signature] Date: March 6, 2023

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: [Signature] Date: March 6, 2023

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
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
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☐ 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: Suzanne Armstrong
Address: 126 Bing Rd Dayton NV 89403
Phone: 775-220-9880 Email: gsarmstrong @charter.net

How long have you been a resident of Lyon County? 24 years

How many board or commission meetings have you attended in the last year? 8

List boards or commissions you presently serve on or have served on in the past including dates of service:

Dayton Regional Advisory Board 2018-2022
Education and/or training relevant to the position you are applying for:

MBA - Business Administration
Economic Professor

Explain briefly why you would like to be appointed to this board or commission:

I have lived in Lyon County for 24 years. I have seen a lot of growth in Lyon County and I would like to be part of it. Given my education and economic background I believe I would be a good representative for the planning commission.

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: [Signature]
Date: 2-14-23

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: [Signature]
Date: 2-21-23

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: April 6, 2023

Agenda Item Number:
19.c

Subject:
For Possible Action: Acknowledge resignation from Darylyn Sinnette-Diffenbaugh from the Animal Control Advisory Board.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Resignation Letter
Good morning Darylyn,
I am reaching out to verify your interest in the Animal Control Advisory Board.

Thank you,
Erin

I am writing to you to resign my position on the LC animal board

[Quoted text hidden]
Agenda Item Number: 19.d

Subject: For Possible Action: Appoint a member to the Animal Control Advisory Board, with a term expiring December 31, 2024.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

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

Contact Information:

Name: Amber Nelson

Address: 5345 Citrus St, Silver Springs, NV 89429

Phone: 775-313-1853   Email: philbrook530@gmail.com

How long have you been a resident of Lyon County? 2 years

How many board or commission meetings have you attended in the last year? 10

List boards or commissions you presently serve on or have served on in the past including dates of service:

☐

☐

☐

☐

☐

☐
Education and/or training relevant to the position you are applying for:

Associated Degree


Explain briefly why you would like to be appointed to this board or commission:

I am interested in promoting the health and safety of animals in Lyon County


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: [Signature] Date: 2/11/2023

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: [Signature] Date: 2/11/2023

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: eloza@lyon-county.org
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number: 19.e

Subject:
For Possible Action: Appoint up to two (2) members to the Fair Board, with terms expiring December 31, 2026.

Summary:
MEMBER and TERM
1. VACANT - 12/26
2. VACANT - 12/26
3. Mindy Flaar - 12/26
4. Charlotte Guthrie - 12/26
5. John Fielding - 12/26
6. Crystal White - 12/22
7. Lisa Tibbals - 12/24
8. Donna McDonald - 12/24
9. Curtis Jordan - 12/24
10. Jesslyna Cochrane - 12/24
11. Michael Giorgi - 12/24

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Paul Silva, Application
March 2, 2023

To Whom It May Concern:

The Lyon County Fair Board has reviewed and discussed the letter from Paul Silva to fill the open position on the Fair Board. The board feels that Paul will be an asset and bring great things to the Lyon County Fair Board.

The Lyon County Fair Board makes the recommendation to appoint Paul Silva to the Lyon County Fair Board.

Thank You

Lisa Tibbals
Secretary
January 24, 2023

24 Penrose Dr
Yerington, NV 89447

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

To whom it may concern

Please accept this letter as my formal intent and application for appointment to the Lyon County Fair Board. I am a member and Past President of the Yerington Lions Club. I am Chairman of the Yerington Nut Feed and have spent numerous hours helping with this and other events. I come from a Ranching family and feel I am qualified to run equipment and work around animals.

I look forward to the opportunity becoming a member of the Lyon County Fair Board and serving the citizens of Lyon County.

I will be looking forward to a reply from you soon. I may be reached at the above address or by calling 281-543-1582.

Yours truly

[Signature]

Paul Silva
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
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☐ 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: Paul Silva
Address: 2474 Pe Nice BO Yeringtown, Nv 89447
Phone: 781 543 1582 Email: Paul Silva@yahoo.com

How long have you been a resident of Lyon County? 7 years

How many board or commission meetings have you attended in the last year? 2

List boards or commissions you presently serve on or have served on in the past including dates of service:

AJOY 2
Education and/or training relevant to the position you are applying for:

Bachelor of Science in Business Management
Manager with Away Inc

Explain briefly why you would like to be appointed to this board or commission:

What to be involved with this board as a way to give back to the community and make a difference in young people's lives

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: [Signature] Date: 1/24/23

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: [Signature] Date: 3/14/23

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
Meeting Date: April 6, 2023

Agenda Item Number:
19.f

Subject:
For Possible Action: Acknowledge resignation from Margaret "Peggy" Quigg from the Lyon County Library Board of Trustees.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

- Resignation Letter
February 16, 2023

To: Lyon County Library Board of Trustees
20 Nevin Way
Yerington, NV 89447

From:
Margaret “Peggy” Quigg
406 Millinocket Ct.
Henderson, NV 89074

Effective as of March 7, 2023, I Peggy Quigg do hereby resign my duties as a Lyon County Library Board of Trustee.

Signed,

[Signature]
Margaret “Peggy” Quigg
Peggy K. Quigg
406 Millinocket Court
Henderson, NV 89074

Amy Geddes
Director, Lyon County Library
20 Nevin Way
Yerington, NV 89447

Dear Amy,

It is with much regret that I have decided to relocate back to Clark County after resigning my position at the Silver Springs Airport and retiring from full-time employment. I was hoping to find housing in Lyon County that would allow me to continue living in Northern Nevada, but as you are aware, that is a difficult challenge.

Serving on the Library Board of Trustees has been one of the highlights of my life in Lyon County. The Library system is truly a remarkable accomplishment thanks to your superb leadership, the support of a strong Foundation, the dedication of your staff and the commitment of the Board of Trustees and the Friends of the Library. I was consistently amazed at the number of people served by the libraries across Lyon County.

I hope to still be spending a lot of time in Silver Springs flying at the airport and still being active in community events, especially those of the library. I enjoy spending time with the volunteers and staff who have worked very hard to promote the library.

If there is anything that I can do to support you and the libraries, I am always open to lending a hand. Like most retirees, I will have more time to devote to such efforts and very much intend to remain active with the Friends of the Library in Silver Springs.

Thank you for all of your hard work, devotion and leadership. What you have accomplished in Lyon County is hard to describe other than super fantastic! You are a true gift and I am grateful to have gotten to know you. Hope to see you at the movies in Silver Springs.

Sincerely,

Peggy K. Quigg

[Handwritten note: Thanks again for the great Christmas gift — it is the best and I have used it a lot. The snacks were great, too, but didn’t last long!]
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
20.a

Subject:
For Possible Action: Authorize and select County Commissioners and/or County Manager to attend the 2023 NACo (National Association of Counties) Annual Conference and Exposition in Travis County, Austin Texas July 21-24, 2023, for an approximate cost of $3,500/person. (Requested by Commissioner Hockaday)

Summary:
Envent Link: https://www.naco.org_events/2023-naco-annual-conference-exposition

Financial Department Comments:
This will be paid out of the budget for Commissioners in the General Fund.

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •
Agenda Item Number:
20.b

Subject:
For Possible Action: To discuss and provide direction to the County Manager regarding legislation for the 82nd session of the Nevada Legislature, Legislation includes Senate Bill 421, Senate Bill 432, Senate Bill 338, and Senate Bill 233.

Summary:
To discuss and provide direction to the County Manager regarding legislation for the 82nd session of the Nevada Legislature, Legislation includes Senate Bill 421, Senate Bill 432, Senate Bill 338, and Senate Bill 233.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- SB421
- SB432
- SB338
- SB233
- SB 233 Fiscal Note
AN ACT relating to energy; revising provisions governing partial tax abatements for certain renewable energy facilities; revising provisions governing the integrated resource plan of an electric utility; revising provisions governing permits for the construction of utility facilities; establishing certain requirements for the boards of county commissioners of certain counties relating to commercial solar energy facilities; requiring the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study concerning a statewide renewable energy plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy or a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) Section 1 of this bill provides that, beginning January 1, 2030, a person may apply for such a partial abatement only if the facility will be located on previously disturbed lands or on or adjacent to farmland, mines or mine-scarred lands.

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility’s supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a distributed resources plan.

Existing law requires a distributed resources plan to include an evaluation of the
locational benefits and costs of distributed resources which is based on certain factors. (NRS 704.741) **Section 2** of this bill requires the distributed resources plan to also include an evaluation of the locational benefits and costs of microgrids, off-grid systems and shared power generation and adds the impact on historically underserved communities and natural, cultural, historical and recreational resources and rural economic development to the list of factors on which the evaluation must be based.

Existing law requires the distributed resources plan to identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to customers. (NRS 704.741) **Section 2** requires the distributed resources plan to identify additional spending necessary to integrate cost-effective distributed resources, microgrids, off-grid systems and shared power generation into distribution planning consistent with the goal of yielding a net benefit to customers of the electric utility, including, without limitation, eligible customers, and minimizing impacts on natural, cultural, historical and recreational resources.

Existing law requires the Commission to convene a public hearing on the adequacy of the integrated resource plan filed by an electric utility and, following the hearing, to make certain determinations regarding the integrated resource plan, including, without limitation, whether the plan adequately demonstrates the economic, environmental and other benefits to the State associated with certain measures and sources of supply. Existing law requires the Commission to give preference to measures and sources of supply which meet certain criteria. (NRS 704.746) **Section 3** of this bill revises the list of measures and sources of supply.

Existing law requires the Commission to designate renewable energy zones and revise designated renewable energy zones as the Commission deems necessary. (NRS 704.741) Existing law requires the integrated resource plan filed by an electric utility to include a proposal for annual limits on the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted on or after May 16, 2019. (NRS 704.746) **Section 2** revises the definition of the term “renewable energy zones” to include certain mining lands, locations for agrivoltaics, brownfield sites and developed urban areas. **Section 3** requires the Commission, in considering whether to accept or modify a proposal by an electric utility for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources, to consider whether the proposed annual limits encourage the development and use of renewable energy resources in the renewable energy zones designated by the Commission. **Section 3** also requires the Commission, in considering whether the proposed annual limits further the public interest, to consider whether the proposed annual limits enable distributed generation and storage of renewable energy.

Existing law requires a person who wishes to obtain a permit for a utility facility to file an application with the Commission. (NRS 704.870) **Section 4** of this bill revises the information that is required to be included in the application.

Existing law prohibits the Commission from granting a permit for the construction, operation and maintenance of a utility facility unless the Commission first makes certain findings. (NRS 704.890) **Section 5** of this bill revises the findings which the Commission is required to make to take into account the effect of the utility facility on the natural, cultural, historical or recreational resources of this State.

Existing law requires each governing body of a county or city to establish a process for the issuance of a special use permit for the construction of a renewable energy generation project with a nameplate capacity of 10 megawatts or more. (NRS 278.26503) **Sections 7-15** of this bill establish various requirements for a
board of county commissioners in a county whose population is less than 700,000 (currently all counties except Clark County) if the board elects to adopt an ordinance establishing requirements for the construction, deconstruction, decommissioning or siting of a commercial solar energy facility.

Sections 8-11 of this bill define various terms relating to a commercial solar energy facility.

Section 12 of this bill limits the applicability of the provisions of sections 7-15 to counties whose population is less than 700,000.

Section 13 of this bill: (1) authorizes such a board of county commissioners to adopt an ordinance establishing requirements for the construction, deconstruction, decommissioning or siting of a commercial solar energy facility; and (2) prohibits such a board of county commissioners from adopting requirements that are more stringent than the requirements set forth in sections 7-15. Section 13 also provides that an ordinance or regulation adopted by a board of county commissioners that conflicts with or is more stringent than the provisions of sections 7-15 is null and void.

Section 14 of this bill establishes certain requirements for such an ordinance relating to commercial solar energy facilities including, without limitation: (1) setback requirements for siting a commercial solar energy facility; (2) various requirements for a facility owner of a commercial solar energy facility; and (3) requirements for a facility owner to enter into a road use agreement under certain circumstances. Section 14 further prohibits such an ordinance from: (1) establishing unreasonable application fees; (2) establishing commercially unreasonable requirements for the construction, deconstruction, decommissioning or siting of a commercial solar energy facility; (3) conditioning the approval of the board on a guarantee of property value; or (4) requiring a facility owner to compensate a neighboring property.

Section 15 of this bill requires a board of county commissioners to hold at least one public hearing not more than 45 days after an application for a special use permit for a commercial solar energy facility is filed with the board and to issue a decision on the application not more than 30 days after holding the public hearing.

Section 16 of this bill makes conforming changes to provide that: (1) any process established by such a governing body for a special use permit must be consistent with the requirements set forth in sections 7-15; and (2) the requirement to hold a public hearing not more than 45 days after receiving an application for a commercial solar energy facility is an exception to the existing requirement to hold a public hearing not more than 65 days after receiving an application for a special use permit for the construction of a renewable energy generation project with a nameplate capacity of 10 megawatts or more.

Section 17 of this bill requires the Joint Standing Interim Committee on Growth and Infrastructure to conduct an interim study concerning the development of a statewide renewable energy plan to provide for the efficient and coordinated placement of renewable energy generation projects and energy storage systems in locations that will have the fewest potential conflicts with adjacent land uses, historically underserved communities and the natural, cultural, historical and recreational resources of this State. Section 17 also requires the Committee to submit, with the results of the study, a map and a written description of identified areas of this State where renewable energy generation projects and energy storage systems could be sited with the fewest potential conflicts with adjacent land uses, historically underserved communities and natural, cultural, historical and recreational resources.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.360 is hereby amended to read as
follows:

701A.360 1. A person who intends to locate a facility for the
generation of process heat from solar renewable energy, a wholesale
facility for the generation of electricity from renewable energy, a
facility for the storage of energy from renewable generation or a
hybrid renewable generation and energy storage facility in this State
on previously disturbed lands, including, without limitation, mining lands that have been abandoned and brownfield sites, as
defined in 42 U.S.C. § 9601, or on or adjacent to farmland, mines
or mine-scarred lands may apply to the Director for a partial
abatement of the local sales and use taxes, the taxes imposed
pursuant to chapter 361 of NRS, or both local sales and use taxes
and taxes imposed pursuant to chapter 361 of NRS. An applicant
may submit a copy of the application to the board of county
commissioners at any time after the applicant has submitted the
application to the Director.

2. A facility that is owned, operated, leased or otherwise
controlled by a governmental entity is not eligible for an abatement
pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an
application for a partial abatement, the Director shall forward a copy
of the application to:

(a) The Chief of the Budget Division of the Office of Finance;
(b) The Department of Taxation;
(c) The board of county commissioners;
(d) The county assessor;
(e) The county treasurer; and
(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county
treasurer, the Director shall include a notice that the local
jurisdiction may request a presentation regarding the facility. A
request for a presentation must be made within 30 days after receipt
of the application.

5. The Director shall hold a public hearing on the application.
The hearing must not be held earlier than 30 days after all persons
listed in subsection 3 have received a copy of the application.

Sec. 2. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State
shall, on or before June 1 of every third year, in the manner
specified by the Commission, submit a plan to increase its supply of
electricity or decrease the demands made on its system by its
customers to the Commission. Two or more utilities that are
affiliated through common ownership and that have an
interconnected system for the transmission of electricity shall
submit a joint plan.

2. The Commission shall, by regulation:
(a) Prescribe the contents of such a plan, including, but not
limited to, the methods or formulas which are used by the utility or
utilities to:
(1) Forecast the future demands, except that a forecast of the
future retail electric demands of the utility or utilities must not
include the amount of energy and capacity proposed pursuant to
subsection 5 as annual limits on the total amount of energy and
capacity that eligible customers may be authorized to purchase from
providers of new electric resources through transactions approved
by the Commission pursuant to an application submitted pursuant to
NRS 704B.310 on or after May 16, 2019; and
(2) Determine the best combination of sources of supply to
meet the demands or the best method to reduce them; and
(b) Designate renewable energy zones and revise the designated
renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to
include in the plan:
(a) An energy efficiency program for residential customers
which reduces the consumption of electricity or any fossil fuel and
which includes, without limitation, the use of new solar thermal
energy sources.
(b) A proposal for the expenditure of not less than 10 percent of
the total expenditures related to energy efficiency and conservation
programs on energy efficiency measures for customers of the
electric utility in low-income households and residential customers
and public schools in historically underserved communities, through
both targeted programs and programs directed at residential
customers and public schools in general.
(c) A comparison of a diverse set of scenarios of the best
combination of sources of supply to meet the demands or the best
methods to reduce the demands, which must include at least one
scenario of low carbon dioxide emissions that:
(1) Uses sources of supply that result in, by 2050, an amount
of energy production from zero carbon dioxide emission resources
that equals the forecasted demand for electricity by customers of the
utility;
(2) Includes the deployment of distributed generation; and
(3) If the plan is submitted on or before June 1, 2027, uses
sources of supply that result in, by the year 2030, an 80 percent
reduction in carbon dioxide emissions from the generation of
electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility’s or utilities’ assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources, microgrids, off-grid systems and shared power generation. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits, the impact on historically underserved communities, the impact on natural, cultural, historical and recreational resources and rural economic development in this State and any other savings the distributed resources, microgrids, off-grid systems and shared power generation provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources, microgrids, off-grid systems and shared power generation into distribution planning consistent with the goal of yielding a net benefit to the customers, including, without limitation, eligible customers, of the electric utility or utilities, and minimizing impacts on natural, cultural, historical and recreational resources.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

(f) Include a transportation electrification plan as required by NRS 704.7867.
5. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;
(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;
(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;
(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and
(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

6. The annual limits proposed pursuant to subsection 5 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and
(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

7. As used in this section:

(a) “Agrivoltaics” means the use of land for both agriculture and the generation of electricity by a solar photovoltaic system.
(b) “Distributed generation system” has the meaning ascribed to it in NRS 701.380.
(c) “Distributed resources” means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.
(d) “Eligible customer” has the meaning ascribed to it in NRS 704B.080.
(e) “Energy” has the meaning ascribed to it in NRS 704B.090.
“Historically underserved community” has the meaning ascribed to it in NRS 704.78343.

“Low-income household” has the meaning ascribed to it in NRS 704.78347.

“Microgrid” means a small network of users of electricity with a local source of supply that is attached to the electricity grid but is able to function independently.

“New electric resource” has the meaning ascribed to it in NRS 704B.110.

“Off-grid system” means a system for the supply of electricity that is not connected to the system or facilities of an electric utility.

“Provider of new electric resources” has the meaning ascribed to it in NRS 704B.130.

“Renewable energy zones” means specific geographic zones, including, without limitation, mining lands that have been abandoned, locations for agrivoltaics, brownfield sites as defined in 42 U.S.C. § 9601 and developed urban areas, where renewable energy resources could be most efficiently developed to meet demand for electricity and where transmission constrains the delivery of electricity from those resources to customers.

“Sensitivity analysis” means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 3. NRS 704.746 is hereby amended to read as follows:

1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.
3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:
   (a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.
   (b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.
   (c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers including, without limitation, eligible customers, of the utility or utilities associated with the following possible measures and sources of supply:
      (1) Improvements in energy efficiency;
      (2) Pooling of power;
      (3) Purchases of power from [neighboring] other states or countries;
      (4) Facilities that operate on solar or geothermal energy or wind;
      (5) Facilities that operate on the principle of cogeneration or hydrogeneration;
      (6) Facilities that operate on mining lands that have been abandoned, brownfield sites and other previously disturbed spaces;
      (7) Facilities that operate within renewable energy zones, as designated pursuant to subsection 2 of NRS 704.741;
      (8) Agrivoltaics, as defined in NRS 704.741;
      (9) Other generation facilities; and
      (10) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:
   (a) Provide the greatest economic and environmental benefits to the State;
   (b) Are consistent with the provisions of this section;
   (c) Provide levels of service that are adequate and reliable;
   (d) Provide the greatest opportunity for the creation of new jobs in this State; and
   (e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.
In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers, including, without limitation, eligible customers, of the electric utility or utilities.

6. The Commission shall:
   (a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and
   (b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:
   (a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and
   (b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:
   (a) The cost to the customers of the electric utility or utilities to implement the plan;
   (b) Whether the plan provides the greatest economic benefit to this State;
   (c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and
   (d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection 5 of NRS 704.741, the Commission shall consider whether the proposed annual limits:
   (a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers, including, without limitation, eligible customers, of electric service in this State; and
State and enables distributed generation and storage of renewable energy;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State in renewable energy zones, as designated pursuant to subsection 2 of NRS 704.741, and, in particular, renewable energy resources that are coupled with energy storage.

10. In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to NRS 704.7867, the Commission shall consider:

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

1) Improve the efficiency of the electric utility’s electrical system, operational flexibility or system utilization during off-peak hours;

2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

3) Reduce greenhouse gas emissions and air pollution;

4) Improve air quality in communities most affected by air pollution from the transportation sector;

5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

7) Foster the investment of private capital in transportation electrification, as defined in NRS 704.7867, and the demand for skilled jobs in related services; and

8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

11. As used in this section:
(a) “Brownfield site” has the meaning ascribed to it in 42 U.S.C. § 9601.
(b) “Eligible customer” has the meaning ascribed to it in NRS 704B.080.

Sec. 4. NRS 704.870 is hereby amended to read as follows:
1. Except as otherwise provided in subsection 2, a person who wishes to obtain a permit for a utility facility must file with the Commission an application, in such form as the Commission prescribes, containing:
   (a) A description of the location, including, without limitation, digitally-supplied coordinates and a map, and of the type of utility facility to be built thereon;
   (b) A summary of any studies which have been made of the environmental impact of the facility;
   (c) A description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility; and
   (d) A surplus asset retirement plan as described in subsection 2 of NRS 704.734 for the decommissioning, removal, remediation and disposition of the utility facility after it ceases to operate, including a description of the manner in which the plan will be funded.

A copy or copies of the studies referred to in paragraph (b) must be filed with the Commission and be available for public inspection.

2. If a person wishes to obtain a permit for a utility facility and a federal agency is required to conduct an environmental analysis of the proposed utility facility, the person must:
   (a) Not later than the date on which the person files with the appropriate federal agency an application for approval for the construction of the utility facility, file with the Commission and each other permitting entity a notice, in such a form as the Commission or other permitting entity prescribes; and
   (b) Not later than 30 days after the issuance by the appropriate federal agency of either the final environmental assessment or final environmental impact statement, but not the record of decision or similar document, relating to the construction of the utility facility:
      (1) File with the Commission an application that complies with the provisions of subsection 1; and
      (2) File with each other permitting entity an application for a permit, license or other approval for the construction of the utility facility.

3. A copy of each application filed with the Commission must be filed with the Administrator of the Division of Environmental
Protection of the State Department of Conservation and Natural Resources.

4. Each application filed with the Commission must be accompanied by:
   (a) Proof of service of a copy of the application on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and
   (b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice pursuant to paragraph (a) by the publication of a summary of the application in newspapers published and distributed in the area in which the utility facility is proposed to be located.

5. Not later than 5 business days after the Commission receives an application pursuant to this section, the Commission shall issue a notice concerning the application. Any person who wishes to become a party to a permit proceeding pursuant to NRS 704.885 must file with the Commission the appropriate document required by NRS 704.885 within the time frame set forth in the notice issued by the Commission pursuant to this subsection.

Sec. 5. NRS 704.890 is hereby amended to read as follows:

704.890  1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:
   (a) The nature of the probable effect on the environment; and any natural, cultural, historical or recreational resources in this State;
   (b) If the utility facility emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State;
   (c) That the need for, and location of, the facility balances any adverse effect on the environment and the natural, cultural, historical and recreational resources in this State;
   (d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;
   (e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and that the applicant has obtained, or is in the process of obtaining, all other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances;
(f) That the surplus asset retirement plan filed pursuant to NRS 704.870:
   (1) Complies with federal, state and local laws;
   (2) Provides for the remediation and reuse of the facility within a reasonable period; and
   (3) Is able to be reasonably completed under the funding plan contained in the application; and
(g) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (g) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, “renewable energy” has the meaning ascribed to it in NRS 704.7715.

Sec. 6. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 15, inclusive, of this act.

Sec. 7. As used in sections 7 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 8. “Commercial solar energy facility” means a facility for the conversion of photovoltaic solar energy with a nameplate capacity of 500 kilowatts or more.

Sec. 9. “Facility owner” means:
1. A person with a direct ownership interest in a commercial solar energy facility; or
2. A person acting as a developer of a commercial solar energy facility by acquiring the necessary rights, permits or planning for the construction and operation of the facility.

Sec. 10. “Participating property” means real property that is owned by a facility owner or is the subject of a written agreement between a facility owner and the owner of the real property for the purpose of constructing a commercial solar energy facility or supporting facilities for a commercial solar energy facility.

Sec. 11. “Supporting facilities” means any transmission lines, substations, access roads, meteorological towers, storage
facilities and equipment associated with the generation and storage of a commercial solar energy facility.

Sec. 12. The provisions of sections 7 to 15, inclusive, of this act apply only to a county whose population is less than 700,000.

Sec. 13. 1. Notwithstanding any other existing provision of state law or the existence of any zoning commission or regional planning commission and except as otherwise provided in federal law, a board of county commissioners may establish requirements for:

(a) The construction, deconstruction or decommissioning of a commercial solar energy facility in accordance with the provisions of sections 7 to 15, inclusive, of this act; and

(b) Siting a commercial solar energy facility in accordance with the provisions of sections 7 to 15, inclusive, of this act on previously disturbed lands, including, without limitation, mining lands that have been abandoned and brownfield sites, as defined in 42 U.S.C. § 9601, or on or adjacent to farmland, mines or mine-scarred lands in unincorporated areas of the county.

2. The requirements established by the board of county commissioners pursuant to subsection 1 may not be more stringent than the requirements set forth in sections 7 to 15, inclusive, of this act.

3. Any ordinance or regulation that conflicts with or is more stringent than the provisions of sections 7 to 15, inclusive, of this act, is null and void and the board of county commissioners shall repeal any such ordinance or regulation.

Sec. 14. 1. An ordinance adopted by a board of county commissioners establishing requirements for the construction, deconstruction, decommissioning or siting of a commercial solar energy facility:

(a) Must establish the following setback requirements for siting a commercial solar energy facility:

(1) For a community building, including, without limitation, a school, place of worship, day care center, public library, senior center or community center, a setback of 540 feet;

(2) For a residence located on a participating property, a setback of 360 feet;

(3) For a residence located on a nonparticipating property, a setback of 540 feet;

(4) From the boundary line of a participating property, no setback is required;

(5) From the boundary line of a nonparticipating property, a setback of 360 feet;
(6) For an overhead communication and electric transmission and distribution facility not including an overhead way, a setback of 360 feet;
(7) For a utility service line to an individual house or outbuilding, a setback of 360 feet;
(8) For an overhead utility service line to an individual house or outbuilding, a setback of 360 feet; and
(9) For a fish and wildlife area, real property that is subject to a permanent conservation right or real property that is registered or designated as a nature preserve, buffer or land and water reserve under federal, state or local law, a setback of 500 feet.
(b) May allow the setback requirements set forth in paragraph (a) to be waived by the written consent of the owner of an affected nonparticipating property.
(c) May require a commercial solar energy facility to be sited in such a way that:
(1) The perimeter of the commercial solar energy facility is defined by a method that does not impede the ingress and egress of wildlife from the site; and
(2) No component of a solar photovoltaic panel has a height of more than 20 feet above the ground.
(d) May require vegetative or other non-living screening around portions of a commercial solar energy facility that are adjacent to community properties, but may not require earthen berms or other similar structures.
(e) May require a facility owner to provide evidence of consultation with the Office of Historic Preservation of the State Department of Conservation and Natural Resources to assess potential impacts on any historic sites in this State.
(f) May require a facility owner to:
(1) Minimize the clearing and any damage to native vegetation;
(2) Allow wildlife access to the commercial solar energy facility;
(3) Encourage the production of agricultural products between the solar photovoltaic panels; and
(4) Demonstrate the commercial solar energy facility has obtained an operating permit in accordance with the provisions of chapter 445B of NRS.
(g) If the facility owner will use roads maintained by the county, may require the facility owner to enter into a road use agreement with the county or other subdivision of the county. Such a road use agreement:
1. (1) Must require the facility owner to be responsible for the reasonable costs of improving and repairing the roads used by the facility owner during the construction of the commercial solar energy facility; and

(2) Must not preserve access to areas of public lands traditionally utilized by residents within the county, regardless of whether such areas are formally recognized as a public right-of-way.

2. For the purposes of subsection 1, the setback distance must be measured from the solar photovoltaic panel closest to the edge of the applicable setback property line.

3. Any ordinance adopted by a board of county commissioners establishing requirements for the siting of a commercial solar energy facility must not:

(a) Require unreasonable application fees for a special use permit for a commercial solar energy facility. For the purposes of this paragraph, an application fee will be deemed unreasonable if the fee is not consistent with the fees charged by the county for permits that require a similar amount of staff time and resources.

(b) Establish requirements for the construction, deconstruction, decommissioning or siting of a commercial solar energy facility or related financial assurances that are not commercially reasonable. For the purposes of this paragraph, such requirements will be deemed commercially unreasonable if the requirements are more restrictive than the requirements for facilities of a similar size and scope that are located or planned to be located in other states, counties or cities.

(c) Condition the approval of a commercial solar energy facility on a guarantee of property value.

(d) Require the facility owner to pay or otherwise compensate a neighboring property.

4. The provisions of this section are in addition to any other setback or clearance approved or required by the National Electrical Code, National Electrical Safety Code, Public Utilities Commission of Nevada or the Federal Energy Regulatory Commission.

Sec. 15. 1. Before a board of county commissioners may approve an application for the issuance of or modification to a special use permit for a commercial solar energy facility, the board shall hold at least one public hearing not more than 45 days after the application for the special use permit is filed with the board of county commissioners. In addition to the requirements of NRS 241.020, notice of the public hearing must be published in a newspaper of general circulation in the county.
2. At the public hearing held pursuant to subsection 1, the board of county commissioners shall allow interested parties the opportunity to present evidence regarding the special use permit.

3. The board of county commissioners shall issue a decision on the special use permit not more than 30 days after the public hearing held pursuant to subsection 1.

Sec. 16. NRS 278.26503 is hereby amended to read as follows:

278.26503 Each governing body:

1. Shall establish a process for the issuance of a permit for the construction of an aboveground utility project which is located in a corridor for the construction of aboveground utility projects identified in the master plan adopted by the planning commission or governing body.

2. Shall establish a process for the issuance of a special use permit for the construction of an aboveground utility project which is not located in a corridor for the construction of aboveground utility projects identified in the master plan adopted by the planning commission or governing body. The process adopted by the governing body must include, without limitation, provisions:
   (a) Requiring the planning commission or the governing body to review each completed application at a public hearing;
   (b) Requiring the applicant to provide proof satisfactory to the planning commission or the governing body that the construction of the aboveground utility project does not conflict with any existing or planned infrastructure or other utility projects; and
   (c) Authorizing the planning commission or the governing body to issue or deny the issuance of a special use permit for the construction of an aboveground utility project based on the proximity of the proposed site of the aboveground utility project to any school, hospital or urban residential area with a dwelling density greater than 2 units per gross acre.

3. Shall establish a process for the issuance of a special use permit for the construction of a renewable energy generation project with a nameplate capacity of 10 megawatts or more which must include, without limitation, provisions:
   (a) Establishing the required contents of an application;
   (b) Establishing the criteria by which the planning commission or the governing body will evaluate an application; [and]
   (c) Except as otherwise provided in section 15 of this act, requiring the planning commission or the governing body to review each completed application at a public hearing not later than 65 days after receiving the complete application []; and
   (d) Consistent with the provisions of sections 7 to 15, inclusive, of this act, if applicable.
4. May establish an expedited process for the issuance of a permit or special use permit described in subsections 1, 2 and 3 if the governing body determines that:
   (a) The project will be located in an isolated or rural area; and
   (b) There is minimal risk of disturbance to residents as a result of the construction of the project.

Sec. 17. 1. The Joint Interim Standing Committee on Growth and Infrastructure shall conduct a study during the 2023-2024 interim concerning the development of a statewide renewable energy plan. The study must, without limitation:
   (a) Examine the efficient and coordinated placement of renewable energy generation projects and energy storage systems;
   (b) Identify the locations where a renewable energy generation project or energy storage system will have the most efficient access to existing or planned electrical transmission and the fewest potential conflicts with adjacent land uses, historically underserved communities and the natural, cultural, historical and recreational resources of this State;
   (c) Determine best management practices for siting renewable energy generation projects and energy storage systems; and
   (d) Consider any other recommendations for a statewide renewable energy plan that are based on the best available science for minimizing potential conflicts of renewable energy generation projects and energy storage systems with adjacent land uses, historically underserved communities and the natural, cultural, historical and recreational resources of this State.

2. In preparing the study, the Joint Interim Standing Committee on Growth and Infrastructure shall consult with relevant state and federal agencies, Indian tribes, electric utilities and local governments.

3. The Committee shall, pursuant to subsection 4 of NRS 218E.330, submit a report of the study, a map and written description of any locations identified pursuant to paragraph (b) of subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

4. As used in this section:
   (a) “Energy storage system” has the meaning ascribed to it in NRS 701B.057.
   (b) “Historically underserved community” has the meaning ascribed to it in NRS 704.78343.
   (c) “Renewable energy generation project” has the meaning ascribed to it in NRS 701.080.

Sec. 18. 1. This section becomes effective upon passage and approval.
2. Sections 2 to 17, inclusive, of this act become effective on July 1, 2023.

3. Section 1 of this act becomes effective on January 1, 2030.
AN ACT relating to economic development; revising provisions governing the disposition of certain taxes; requiring the establishment of a regional powers authority following the expiration of certain partial tax abatements approved in relation to a qualified project; establishing the powers and duties of a regional powers authority; creating the Account to Mitigate the Regional Impacts of Economic Development; imposing reporting requirements related to the use of certain money; creating the Account to Promote Statewide Economic Development; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Office of Economic Development to approve applications for partial abatements of certain taxes and the issuance of transferable tax credits submitted by the lead participant engaged in a qualified project with other participants for a common purpose or business endeavor and which is located within the geographic boundaries of a single project site in this State. (NRS 360.880-360.980) Existing law authorizes the governing body of a county or city in which a qualified project is or is expected to be located to create an economic diversification district that includes within its boundaries the qualified project. Existing law authorizes a governing body which creates such an economic diversification district to pledge an amount equal to the proceeds of all sales and use taxes imposed on or owed by each participant in the qualified project with regard to tangible personal property purchased in the county or city for use in the district, or stored, used or otherwise consumed in the district by a participant, during a fiscal year, other than any local sales and use taxes for which the lead participant is receiving an abatement. Such pledged money is distributed to the governing body pursuant to an agreement with the Department of Taxation.
Section 10 of this bill requires a portion of the proceeds of such
taxes after the expiration of the tax abatement or the termination of the agreement,
as applicable, to be deposited in: (1) the Account to Mitigate the Regional Impacts
of Economic Development; (2) the Account to Promote Statewide Economic
Development; and (3) a separate account in the State General Fund for remittance
to the city or county where a qualified project is located. Sections 2-9 of this bill
define terms relevant to disposition of such taxes.

Section 11 of this bill requires the Office, as soon as practicable after the
expiration of a tax abatement approved in connection with a qualified project, to
establish a regional powers authority and requires the Department to prepare a
report to assist in the appointing of members to the regional powers authority.

Section 12 of this bill establishes the powers and duties of a regional powers
authority. Section 13 of this bill creates the Account to Mitigate the Regional
Impacts of Economic Development and requires money in the Account that is
attributable to a qualified project be used only at the direction of the regional
powers authority. Section 13 requires a regional powers authority to submit a
biennial report to the Governor and the Director of the Legislative Counsel Bureau
for transmittal to the Legislature regarding the use of the money in the Account.

Existing law requires the Executive Director of the Office to designate as many
regional development authorities for each region of this State as he or she
determines to be appropriate to implement the State Plan for Economic
Development. (NRS 231.053) Section 14 of this bill creates the Account to
Promote Statewide Economic Development and requires the State Treasurer to
make an annual distribution from the Account to each of the regional development
authorities designated by the Executive Director. Section 14 requires the money
distributed from the Account to be used for certain purposes and requires a regional
development authority to submit a biennial report to the Governor and the Director
of the Legislative Counsel Bureau for transmittal to the Legislature regarding the
use of the money from the Account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding
thereto the provisions set forth as sections 2 to 13, inclusive, of this
act.

Sec. 2. As used in sections 2 to 13, inclusive, of this act,
unless the context otherwise requires, the words and terms defined
in sections 3 to 9, inclusive, of this act have the meanings ascribed
to them in those sections.

Sec. 3. “Capital investment” means all costs and expenses
incurred by the participants in a qualified project in connection
with the acquisition, construction, installation and equipping of
the qualified project.

Sec. 4. “Employer excise taxes” means the taxes imposed on
the wages paid by an employer pursuant to chapter 363A or 363B
of NRS.

Sec. 5. “Local sales and use taxes” means only the taxes
imposed pursuant to chapter 377, 377A or 377B of NRS, as
applicable, on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county in which the qualified project is located. The term does not include any taxes imposed by the Sales and Use Tax Act.

Sec. 6. “Participant” means a business which operates within the geographic boundaries of a project site and which contributes to or participates in the project.

Sec. 7. “Political subdivision” means a county in this State or an incorporated city or town within such county.

Sec. 8. “Property taxes” means any taxes levied by the State or a local government pursuant to the provisions of chapter 361 of NRS.

Sec. 9. “Qualified project” means a project for which the Office of Economic Development approved transferable tax credits and partial tax abatements for a capital investment of at least $1,000,000,000 undertaken by a business or group of businesses:

1. Located within the geographic boundaries of a single project site or sites in this State; and

2. Engaged in a common business purpose or industry. A business or group of businesses must be deemed to be engaged in a common business purpose or industry if the business or group of businesses are in a supply chain related to the common business purpose or industry or provide components or services related to the common business purpose or industry.

Sec. 10. 1. Each fiscal year following the last fiscal year for which an abatement of property taxes is approved for a qualified project, the county treasurer of a county in which all or part of a qualified project is located shall remit to the Department any property taxes imposed on or owed by each participant in the qualified project with respect to real property within the geographic boundaries of the qualified project and tangible personal property stored or used within the geographic boundaries of the qualified project until the amount of property taxes remitted by the county treasurer for the fiscal year equals the average yearly amount of the abatement of property taxes that was approved by the Department over the life of the abatement.

2. Each fiscal year following the last fiscal year for which an abatement of employer excise taxes is approved for a qualified project, proceeds from any employer excise taxes remitted by a participant with respect to the wages of any employee employed at a location within the geographic boundaries of the qualified project shall be distributed as described in subsection 5, until the amount of money described in this subsection which has been distributed pursuant to subsection 5 for the fiscal year equals the
average yearly amount of the abatement of employer excise taxes that was approved by the Department over the life of the abatement.

3. Each fiscal year following the last fiscal year for which an abatement of local sales and use taxes is approved for a qualified project, proceeds of any local sales and use taxes for which the abatement was approved that are imposed on or owed by each participant in the qualified project with regard to tangible personal property purchased for use within the geographic boundaries of the qualified project, or stored, used or otherwise consumed within the geographic boundaries of the qualified project by the participant, during a fiscal year shall be distributed as described in subsection 5, until the amount of money described in this subsection which has been distributed pursuant to subsection 5 for the fiscal year equals the average yearly amount of the abatement of local sales and use taxes that was approved by the Department over the life of the abatement.

4. If the governing body of a political subdivision that created by ordinance a special district for a qualified project and the Department entered into an agreement providing for distribution to the political subdivision of sales and use taxes pledged pursuant to that ordinance and the Department made distributions in each fiscal year such distributions were required by the agreement, each fiscal year following the last fiscal year in which the Department was required to make a distribution pursuant to the agreement, the Department shall distribute in the manner described in subsection 5 the proceeds of all sales and use taxes imposed on or owed by each participant in the qualified project with regard to tangible personal property purchased in the political subdivision for use within the geographic boundaries of the qualified project, or stored, used or otherwise consumed within the geographic boundaries of the qualified project by the participant, during a fiscal year other than:

   (a) The amount of any local sales and use taxes for which an abatement described in subsection 3 was approved; and

   (b) The proceeds of the taxes imposed pursuant to NRS 374.110 or 374.111 and NRS 374.190 or 374.191, if the ordinance adopted by the political subdivision did not include a pledge of such proceeds.

5. Upon receipt of any money remitted pursuant to subsection 1 or any money which is required to be distributed pursuant to this section, the Department shall deposit:

   (a) Sixty percent of the money with the State Treasurer for credit to the Account to Mitigate the Regional Impacts of Economic Development created by section 13 of this act.
(b) Twenty percent of the money with the State Treasurer for credit to the Account to Promote Statewide Economic Development created by section 14 of this act.

(c) Twenty percent of the money with the State Treasurer for credit to the State General Fund. The money deposited pursuant to this paragraph must be accounted for separately in the State General Fund and the State Treasurer shall, on a quarterly basis, remit the money to the political subdivision in which the qualified project is located. If the qualified project is located in more than one political subdivision, the money must be distributed equally among each political subdivision within which the project is located.

6. In the event of a conflict between this section and any other provisions of this title governing the disposition of the proceeds of any tax, the provisions of this section prevail.

Sec. 11. 1. As soon as practicable after the expiration of an abatement of any taxes for a qualified project:

(a) The Department shall investigate and prepare an estimate of the number of residents of each political subdivision in the State who on June 30 of the last year of the abatement were employed within the geographic boundaries of the qualified project for which the abatement was granted on June 30 of the last year of the abatement.

(b) The Office of Economic Development shall establish a regional powers authority.

2. Not more than one regional powers authority may be established per qualified project. If multiple abatements were approved in connection with a single qualified project and the abatements expire at different times, the tasks described in subsection 1 must only be performed after the first time an abatement expires.

3. Each regional powers authority must be composed of:

(a) Two members:

(1) Appointed by the governing body of the political subdivision in which the qualified project is located, if the qualified project is located in a single political subdivision.

(2) Each of whom is appointed by one of the political subdivisions in which the project is located, if the qualified project is located in two political subdivisions.

(3) One of whom is appointed by the political subdivision containing the largest portion of the qualified project site and one of whom is appointed by the political subdivision containing the second largest portion of the qualified project site, if the qualified project is located in more than two political subdivisions.
(b) Five members, for whom the authority to appoint must be apportioned by the Office of Economic Development among governing bodies of the political subdivisions of this State according to the percentage of the employees employed on the site of the qualified project who resided in each political subdivision on June 30 of the last year of the abatement according to the estimate prepared by the Department pursuant to paragraph (a) of subsection 1.

4. A vacancy in the membership of the regional powers authority must be filled by the appointing authority in the same manner as the original appointment.

5. A regional powers authority shall elect annually from among its members a Chair and a Vice Chair.

6. Four members of a regional powers authority constitutes a quorum for the transaction of business, and the affirmative vote of at least four members of the regional powers authority is required to take action.

7. A meeting of a regional powers authority must be conducted in accordance with the provisions of chapter 241 of NRS.

8. The members of a regional powers authority serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the regional powers authority.

9. A member of a regional powers authority who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the regional powers authority and perform any work necessary to carry out the duties of the regional powers authority in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the regional powers authority to:

   (a) Make up the time the member is absent from work to carry out his or her duties as a member of the regional powers authority; or

   (b) Take annual leave or compensatory time for the absence.

Sec. 12. 1. The purpose of the regional powers authority is to direct allocations of money from the Account to Mitigate the Regional Impacts of Economic Development created by section 13 of this act to mitigate the impact of a qualified project on housing, transportation, education, water, wastewater and power in the regions surrounding the qualified project.

2. A regional powers authority may:
(a) Borrow money through the issuance of bonds and other securities as provided in NRS 408.55048 to 408.55088, inclusive.

(b) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the regional powers authority.

(c) Request technical advice, support and assistance from the Office of Economic Development.

(d) Use money from the Account to Mitigate the Regional Impacts of Economic Development which is attributable to the qualified project for which the regional powers authority was established to pay the administrative expenses of the regional powers authority.

(e) Enter into an agreement with a political subdivision to construct, improve, maintain, repair or operate projects of benefit to the region.

3. A regional powers authority does not have the independent authority to construct, improve, maintain, repair or operate any public improvement.

Sec. 13. 1. The Account to Mitigate the Regional Impacts of Economic Development is hereby created in the State General Fund. The State Treasurer shall administer the Account.

2. All interest earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, and must be carried forward to the next fiscal year.

4. Money in the Account that is attributable to a qualified project must be accounted for separately from the money attributable to any other qualified project and may be expended only at the direction of the regional powers authority created with respect to that qualified project for the purposes described in section 12 of this act.

5. On or before November 15 of each even-numbered year, each regional powers authority shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report that includes:

(a) For the immediately preceding 2 years, an accounting of all money deposited in the Account which is available for use by the regional powers authority and each use of money from the Account by the regional powers authority; and

(b) An estimate of the economic, fiscal and social impact from each use of the money from the Account by the regional powers authority.
Sec. 14. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account to Promote Statewide Economic Development is hereby created in the State General Fund. The State Treasurer shall administer the Account.

2. All interest earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, and must be carried forward to the next fiscal year.

4. On or before May 1 of each year, the State Treasurer shall distribute all of the money in the Account to each regional development authority designated by the Executive Director of the Office of Economic Development pursuant to NRS 231.053 in an amount that is proportional to the population within the boundaries of each regional development authority designated pursuant to NRS 231.053.

5. Money that is distributed to a regional development authority from the Account:
   (a) May be used only to promote, aid or encourage the economic development of this State.
   (b) May not be used to pay any administrative expenses of the regional development authority, including, without limitation, expenses for staffing or operations.

6. A regional development authority shall consult with local governments within the boundaries of the regional development authority regarding the use of the money distributed to the regional development authority pursuant to this section.

7. On or before November 15 of each even-numbered year, each regional development authority shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report that includes:
   (a) An accounting of all money distributed to the regional development authority from the Account in the immediately preceding 2 years, including the amount of money received and each use of the money; and
   (b) An estimate of the economic, fiscal and social impact from each use of the money distributed to the regional development authority from the Account.

Sec. 15. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16. This act becomes effective on July 1, 2023.
SENATE BILL NO. 338—SENATOR FLORES

MARCH 20, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to off-highway vehicles.
(BDR 43-678)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to off-highway vehicles; revising provisions relating to the operation of certain off-highway vehicles on certain streets and highways; authorizing the Commission on Off-Highway Vehicles to designate a portion of certain highways for use by off-highway vehicles; revising certain duties of an operator of an off-highway vehicle being driven on a highway; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines a “large all-terrain vehicle” as any all-terrain vehicle that includes seating capacity for at least two people abreast and: (1) total seating capacity for at least four people; or (2) a truck bed. (NRS 490.043) Under existing law, a person may operate a large all-terrain vehicle that meets certain requirements on: (1) any portion of a highway designated as a general country road or minor country road; and (2) any city street within a city whose population is less than 25,000 (currently all cities except Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or on a portion of a highway that has been designated as a main county road. Under existing law, the governing body of a city or county which contains all or a portion of a highway designated as a general county road or minor county road may prohibit the operation of a large all-terrain vehicle on any portion of such a road. (NRS 490.105) Section 7 of this bill revises these provisions to apply to a utility vehicle, instead of a large all-terrain vehicle. Section 1 of this bill defines the term “utility vehicle” to mean any all-terrain vehicle that includes seating capacity for at least two people abreast. Sections 3, 5 and 11 of this bill make conforming changes to replace the term “large all-terrain vehicle” with “utility vehicle.” Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Section 7 also: (1) removes the authority of a governing body of a city or county to prohibit the operation of a large all-terrain vehicle on any portion of a...
designated street or highway; and (2) prohibits, with certain exceptions, the
operation of a utility vehicle on any designated street or highway with a speed limit
of more than 45 miles per hour.

Existing law requires a large all-terrain vehicle that will be operated on
designated streets and highways to be registered with the Department of Motor
Vehicles. (NRS 490.0825, 490.105) Section 4 of this bill requires the Department
to register a utility vehicle upon the request of the owner of the vehicle.

Existing law authorizes a city or county to designate any portion of a highway
within the city or county as permissible for the operation of off-highway vehicles
for the purpose of allowing off-highway vehicles to reach a private or public area
that is open for use by off-highway vehicles. (NRS 490.100) Section 6 of this bill
instead authorizes the Commission on Off-Highway Vehicles to make such
designations. Sections 8 and 9 of this bill make conforming changes to reflect the
authority of the Commission to make such designations.

Existing law requires the operator of an off-highway vehicle that is being
driven on a highway in this State to: (1) comply with all traffic laws; (2) ensure the
registration or special plate is attached to the vehicle; and (3) wear a helmet. (NRS
490.130) Sections 7 and 10 of this bill clarify that, consistent with other provisions
of existing law, the operator is also required to hold a valid driver’s license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 490 of NRS is hereby amended by adding
thereto a new section to read as follows:

“Utility vehicle” means any all-terrain vehicle that includes
seating capacity for at least two people abreast.

Sec. 2. NRS 490.010 is hereby amended to read as follows:

490.010 As used in this chapter, unless the context otherwise
requires, the words and terms defined in NRS 490.020 to 490.062,
inclusive, and section 1 of this act have the meanings ascribed to
them in those sections.

Sec. 3. NRS 490.060 is hereby amended to read as follows:

490.060 1. “Off-highway vehicle” means a motor vehicle
that is designed primarily for off-highway and all-terrain use. The
term includes, but is not limited to:

(a) An all-terrain vehicle, including, without limitation, a [large
all-terrain] utility vehicle without regard to whether that [large-all-
terrain] utility vehicle is registered by the Department in accordance
with NRS 490.0825 as a motor vehicle intended to be operated upon
the highways of this State;

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; and

(e) Any motor vehicle used on public lands for the purpose of
recreation.

2. The term does not include:
(a) A motor vehicle designed primarily for use in water;
(b) A motor vehicle that is registered by the Department in accordance with chapter 482 of NRS;
(c) A low-speed vehicle as defined in NRS 484B.637; or
(d) Special mobile equipment, as defined in NRS 482.123.

Sec. 4. NRS 490.0825 is hereby amended to read as follows:
490.0825 1. Upon the request of an owner of a [large-all-terrain] utility vehicle, the Department shall register the [large-all-terrain] utility vehicle to operate on the roads specified in NRS 490.105.
2. The owner of a [large-all-terrain] utility vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.
3. If an owner of a [large-all-terrain] utility vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:
   (a) The information required for registration pursuant to NRS 490.082;
   (b) The fee for registration required pursuant to NRS 490.084;
   (c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and
   (d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.

Sec. 5. NRS 490.083 is hereby amended to read as follows:
490.083 1. Each registration of an off-highway vehicle must:
   (a) Be in the form of a sticker or decal, as prescribed by the Commission.
   (b) Be at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.
   (c) Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.
   (d) Be displayed on the off-highway vehicle in the manner set forth by the Commission.
2. The registration sticker or decal of a [large-all-terrain] utility vehicle registered pursuant to NRS 490.0825 must be distinguishable from the sticker or decal of an off-highway vehicle registered pursuant to NRS 490.082 in a manner to be determined by the Department.
Sec. 6. NRS 490.100 is hereby amended to read as follows:

490.100 1. Except as otherwise provided in subsection 2, [a city or county] the Commission may designate any portion of a highway [within the city or county] as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. If [a city or county] the Commission designates any portion of a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the [city or county] Commission must obtain approval for the designation from the Department of Transportation. The Department of Transportation shall issue a timely decision concerning the request for approval and must not unreasonably deny the request.

2. The highway designated for operation of off-highway vehicles pursuant to subsection 1 may not consist of any portion of an interstate highway.

3. If [a city or county] the Commission designates a highway for the operation of off-highway vehicles, the [city or county] Commission may adopt [an ordinance] regulations requiring a person who is less than 16 years of age and who is operating the off-highway vehicle on a designated highway to be under the direct visual supervision of a person who is at least 18 years of age.

4. A person operating an off-highway vehicle on a highway designated for operation of off-highway vehicles pursuant to subsection 1 may not operate the off-highway vehicle on the highway for any purpose other than to travel to or from the private or public area as described in subsection 1.

Sec. 7. NRS 490.105 is hereby amended to read as follows:

490.105 1. [Except as otherwise provided in subsection 2, a] A person who holds a valid driver’s license may operate a [large all-terrain] utility vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road if [the large all-terrain]:

(a) The utility vehicle:

[(a)] (1) Meets the requirements set forth in NRS 490.120; and

[(b)] (2) Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State [ ]; and

(b) Except as otherwise provided in subsection 2 of NRS 490.090, the posted speed limit on the highway is not more than 45 miles per hour.

2. [The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor
county road may by ordinance or resolution prohibit the operation of
large all-terrain vehicles on any portion of such a road.

A person may operate a [large all-terrain] utility vehicle on
a city street [within a city whose population is less than 25,000] or
on a portion of a highway that has been designated as a main county
road if:

(a) The [large all-terrain] utility vehicle satisfies the
requirements of [paragraphs] paragraph (a) [and (b)] of subsection
1; and
(b) The [governing body of the city or the governing body of the
county having jurisdiction over] posted speed limit of the street or
highway [enacts an ordinance or resolution authorizing the
operation of large all-terrain vehicles on any portion of such a street
or highway.] is not more than 45 miles per hour.

Sec. 8. NRS 490.110 is hereby amended to read as follows:

490.110 1. Except as otherwise provided in subsection 2, if
an off-highway vehicle meets the requirements of this chapter and
the operator holds a valid driver’s license and operates the off-
highway vehicle in accordance with the requirements of those
sections, the off-highway vehicle may be operated on a highway in
accordance with NRS 490.090 to 490.130, inclusive.

2. An off-highway vehicle may not be operated pursuant to this
section:

(a) On an interstate highway;
(b) On a paved highway in this State for more than 2 miles; or
(c) [Unless the highway is specifically designated for use by off-
highway vehicles in a city whose population is 100,000 or more; or
—(d)] Unless it is a [large all-terrain] utility vehicle registered
pursuant to NRS 490.0825 and being operated in accordance with
NRS 490.105.

Sec. 9. NRS 490.120 is hereby amended to read as follows:

490.120 1. Except as otherwise provided in subsection 2 and
in addition to the requirements set forth in NRS 490.070, a person
shall not operate an off-highway vehicle on a highway pursuant to
NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle
has:

(a) At least one headlamp that illuminates objects at least 500
feet ahead of the vehicle;
(b) At least one tail lamp that is visible from at least 500 feet
behind the vehicle;
(c) At least one red reflector on the rear of the vehicle, unless
the tail lamp is red and reflective;
(d) A stop lamp on the rear of the vehicle; and
(e) A muffler which is in working order and which is in constant
operation when the vehicle is running.
2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by [a county] the Commission pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

Sec. 10. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive:

1. [Comply] Shall comply with all traffic laws of this State;

2. [Ensure] Shall ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; [and]

3. [Wear] Shall wear a helmet [;] and

4. Must hold a valid driver’s license.

Sec. 11. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer’s report of sale, as described in NRS 490.440; or

(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.

2. It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.

3. Except as otherwise provided in subsections 4 and 5, it is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a misdemeanor, gross misdemeanor or felony.

4. Except as otherwise provided in subsection 5, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, and shall be punished by a civil penalty not to exceed $100.

5. Any person who registers a [large all-terrain] utility vehicle pursuant to NRS 490.0825 and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;
(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or
(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,

is guilty of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, and shall be punished by a civil penalty not to exceed $100.

Sec. 12. Notwithstanding the amendatory provisions of section 5 of this act, a sticker or decal issued before January 1, 2024, for the registration of an off-highway vehicle remains valid for the period for which the sticker or decal is issued.

Sec. 13. NRS 490.043 is hereby repealed.

Sec. 14. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 13, inclusive, of this act become effective:
   (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
   (b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTION

NRS 490.043 “Large all-terrain vehicle” defined. “Large all-terrain vehicle” means any all-terrain vehicle that includes seating capacity for at least two people abreast and:
1. Total seating capacity for at least four people; or
2. A truck bed.
AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of a tax on the rental of certain heavy equipment; excluding certain heavy equipment from the tax on personal property; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, all property of every kind and nature in this State is subject to property taxes unless the property is exempt from such taxation. (NRS 361.045) Section 1 of Article 10 of the Nevada Constitution authorizes the Legislature to exempt any personal property from taxation. Sections 5, 6 and 39 of this bill exempt from personal property taxes property, machinery and equipment held in the inventory of a business that is primarily engaged in renting or leasing heavy equipment for construction, mining or forestry or in renting consumer, commercial or industrial equipment. Instead, section 12 of this bill imposes a tax at the rate of 2 percent of the gross receipts from the rental of such property, machinery or equipment. Sections 14-17 of this bill require a heavy equipment rental company to register with the Department of Taxation, collect the tax from a person who rents heavy equipment rental property and remit the tax to the Department on a quarterly basis. Section 18 of this bill requires the Department, after deducting a certain amount from the proceeds of the tax for the costs of collecting the tax, to distribute the proceeds of the tax twice each fiscal year in amounts based on the distribution of property taxes.

Sections 3-8 of this bill define certain terms relating to the imposition of the tax on the rental of heavy equipment rental property. Section 9 of this bill requires the Department to administer the provisions of this bill establishing the tax and authorizes the Department to adopt any necessary regulations. Sections 10 and 11 of this bill establish provisions governing the retention and examination of records relevant to the tax. Sections 30 and 31 of this bill establish that a person who...
Section 13 of this bill exempts from the tax the gross receipts from the rental of heavy equipment rental property to certain governmental entities. Sections 19-29 and 31-38 of this bill make applicable to the tax created by this bill the same provisions governing overpayments, interest, computation of tax and delinquent payments as other taxes imposed in this State. Sections 40 and 41 of this bill provide that the tax imposed on the gross receipts from the rental of heavy equipment rental property becomes effective on July 1, 2024, and that the exemption from the personal property tax for heavy equipment rental property does not apply to any taxes due for any period ending on or before June 30, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Commission” means the Nevada Tax Commission.

Sec. 4. 1. “Gross receipts” means the total amount of consideration, including, without limitation, cash, credit, property and services, for which a heavy equipment rental company rents heavy equipment rental property, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The cost of the heavy equipment rental property to the heavy equipment rental company;

(b) The cost of materials used, labor or service cost, interest paid, losses, the cost of transportation to the heavy equipment rental company, taxes imposed on the heavy equipment rental company or any other expense of the heavy equipment rental company; and

(c) Any charges by the heavy equipment rental company for any services necessary to complete the rental, including, without limitation, any delivery charges which are not stated separately and any installation charges which are not stated separately.

2. The term does not include:

(a) Any fees or charges for the delivery or transportation of heavy equipment rental property which are stated separately;

(b) Any installation or other service charges which are stated separately;
(c) Any discounts, including, without limitation, those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by the heavy equipment rental company and taken by the renter on a rental;

(d) Any interest, financing or carrying charges from credit extended on the rental of heavy equipment rental property, if stated separately;

(e) Any taxes legally imposed directly on the renter which are stated separately; and

(f) Any other separately stated charges or fees.

Sec. 5. “Heavy equipment rental company” means a business that is classified under 532412 or 532310 of the 2022 North American Industry Classification System, as published by the Bureau of the Census of the United States Department of Commerce, and is primarily engaged in the business of renting heavy equipment rental property to the public from a location in this State.

Sec. 6. “Heavy equipment rental property” means property, machinery and equipment held in the inventory of a heavy equipment rental company, or an affiliate of a heavy equipment rental company, for sale or rental in the regular course of business. The term includes, without limitation, property, machinery and equipment that is customarily used or designed for construction and industrial purposes, including, without limitation, earthmoving equipment, cranes, lift equipment, material handling equipment, pumps, generators, compressors, portable power equipment, heating, ventilation and air conditioning equipment, portable offices, containers, tank trailers and self-propelled equipment.

Sec. 7. “Rent,” “rental” or “renting” means entering into an agreement with a heavy equipment rental company for the use of heavy equipment rental property in exchange for consideration for a period:

1. Not to exceed 365 days; or

2. That is open-ended under the terms of the rental contract with no specified end date.

Sec. 8. “Renter” means a person who rents heavy equipment rental property from a heavy equipment rental company in this State.

Sec. 9. The Department shall administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for those purposes.

Sec. 10. 1. Each person responsible for maintaining the records of a heavy equipment rental company shall:
(a) Keep such records as may be necessary to determine the amount of the liability of the heavy equipment rental company pursuant to the provisions of this chapter;

(b) Preserve those records for 5 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may adopt regulations specifying the types of records which must be kept to determine the amount of liability of a heavy equipment rental company for the tax imposed by this chapter.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 11. 1. To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.

2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of this State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 12. An excise tax is hereby imposed upon each heavy equipment rental company at the rate of 2 percent of the gross receipts of the heavy equipment rental company from the rental of heavy equipment rental property to a renter in this State.

Sec. 13. There is exempted from the computation of the amount of the tax due pursuant to this chapter the gross receipts from the rental of any heavy equipment rental property to:

1. The United States, its unincorporated agencies and instrumentalities;

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

3. The State of Nevada, its unincorporated agencies and instrumentalities;
4. Any federally recognized Indian tribe or nation or tribe member thereof;
5. Any county, city, district or other political subdivision of this State; and
6. Any other person or entity that this State is prohibited from taxing under the United States Constitution, laws or treaties of the United States or the Nevada Constitution.

Sec. 14. The tax imposed by section 12 of this act shall be collected by the heavy equipment rental company from the renter at the time of rental.

Sec. 15. A heavy equipment rental company shall hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State.

Sec. 16. Each person engaging in or conducting business as a heavy equipment rental company in this State shall register with the Department. Every application for registration must:
1. Be made upon a form prescribed by the Department;
2. Set forth the name under which the applicant transacts or intends to transact business and the location or locations of the applicant’s place or places of business in this State;
3. Contain a certification that the applicant transacts or intends to transact business as a heavy equipment rental company; and
4. Set forth any other information that the Department may require.

Sec. 17. 1. Each heavy equipment rental company shall, on or before the last day of the month immediately following the end of each calendar quarter:
   (a) File with the Department a return on a form prescribed by the Department which includes such information as the Department may require; and
   (b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.
2. Each return required to be filed by this section must state separately the gross receipts from the rental of heavy equipment rental property from each business location in this State during the period covered by the return.

Sec. 18. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid under this chapter must be paid to the Department in the form of remittances payable to the Department.
2. The Department shall deposit the payments in the State Treasury to the credit of the Heavy Equipment Rental Tax Account, which is hereby created in the State General Fund.
3. The State Controller, acting upon the collection data furnished by the Department, shall, from the Heavy Equipment Rental Tax Account:

(a) Transfer 0.75 percent of all fees, taxes, interest and penalties collected in each county during the preceding quarter to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Determine for each taxing district in a county the amount of money equal to the fees, taxes, interest and penalties attributable to the taxing district pursuant to this chapter during the preceding quarter, less the amount transferred pursuant to paragraph (a).

(c) On or before October 30 of each fiscal year, after subtracting the amount transferred pursuant to paragraph (a):

(1) Transfer to the Consolidated Bond Interest and Redemption Fund created by NRS 349.090 an amount equal to the fees, taxes, interest and penalties attributable to each taxing district for the period beginning on July 1 of the immediately preceding fiscal year and ending on December 31 of the immediately preceding fiscal year, multiplied by the percentage of the fees, taxes, interest and penalties attributable to a taxing district that would have been distributed to the Consolidated Bond Interest and Redemption Fund if the fees, taxes, interest and penalties were taxes imposed pursuant to chapter 361 of NRS.

(2) Transfer to the Intergovernmental Fund created by NRS 353.254 and remit to each county an amount equal to the fees, taxes, interest and penalties attributable to each taxing district in the county pursuant to this chapter during the period beginning on July 1 of the immediately preceding fiscal year and ending on December 31 of the immediately preceding fiscal year, less the amounts transferred pursuant to subparagraph (1) of this paragraph.

(d) On or before April 30 of each fiscal year, after subtracting the amount transferred pursuant to paragraph (a):

(1) Transfer to the Consolidated Bond Interest and Redemption Fund created by NRS 349.090 an amount equal to the fees, taxes, interest and penalties attributable to each taxing district for the period beginning on January 1 of the immediately preceding fiscal year and ending on June 30 of the immediately preceding fiscal year, multiplied by the percentage of the fees, taxes, interest and penalties attributable to a taxing district that would have been distributed to the Consolidated Bond Interest and Redemption Fund if the fees, taxes, interest and penalties were taxes imposed pursuant to chapter 361 of NRS.
(2) Transfer to the Intergovernmental Fund created by NRS 353.254 and remit to each county an amount equal to the fees, taxes, interest and penalties attributable to each taxing district in the county pursuant to this chapter during the period beginning on January 1 of the immediately preceding fiscal year and ending on June 30 of the immediately preceding fiscal year, less the amounts transferred pursuant to subparagraph (1) of this paragraph.

4. At the time of transferring money to the Intergovernmental Fund pursuant to subsection 3, the Department shall:

(a) Inform each county auditor of the amount remitted to the county.

(b) Certify to the county auditor the taxing districts within the county to which the tax imposed by section 12 of this act was attributable during the relevant portion of the fiscal year and the amount of the tax collected with respect to each taxing district.

5. The county treasurer shall deposit the money received by the county pursuant to this chapter in a separate account for apportionment at the same time that money is apportioned pursuant to NRS 361.755. Money received by the county pursuant to this chapter must be apportioned and distributed among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district to which the tax imposed by section 12 is attributable.

6. For the purposes of this section, the tax imposed by section 12 of this act is attributable to the taxing district to which the rental of heavy equipment rental property is sourced. The Commission may adopt regulations establishing rules for the sourcing of the rental of heavy equipment rental property. Until the Commission adopts regulations to the contrary, the rental of heavy equipment rental property is sourced to the business location of the heavy equipment rental company from which the heavy equipment rental property is rented.

Sec. 19. Upon written application made before the date on which payment must be made, the Department may for good cause extend by 30 days the time within which a taxpayer is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the taxpayer shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.
Sec. 20. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 21. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the calendar quarter for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 22. 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the taxes imposed by this chapter at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 23. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or
illegally determined or collected unless a claim for refund or credit has been filed.

**Sec. 24.** 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

**Sec. 25.** 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

**Sec. 26.** In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

**Sec. 27.** A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

**Sec. 28.** 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a
court of competent jurisdiction in Carson City or Clark County in
the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County
unless the court, with the consent of the Attorney General, orders
a change of place of trial.

3. The Attorney General shall prosecute the action, and the
provisions of the Nevada Revised Statutes, the Nevada Rules of
Civil Procedure and the Nevada Rules of Appellate Procedure
relating to service of summons, pleadings, proofs, trials and
appeals are applicable to the proceedings.

Sec. 29. 1. If any amount in excess of $25 has been
illegally determined, either by the Department or by the person
filing the return, the Department shall certify this fact to the State
Board of Examiners, and the latter shall authorize the
cancellation of the amount upon the records of the Department.

2. If an amount not exceeding $25 has been illegally
determined, either by the Department or by the person filing the
return, the Department, without certifying this fact to the State
Board of Examiners, shall authorize the cancellation of the
amount upon the records of the Department.

Sec. 30. 1. A person shall not:

(a) Make, cause to be made or permit to be made any false or
fraudulent return or declaration or false statement in any report
or declaration, with intent to defraud the State or to evade
payment of the tax or any part of the tax imposed by this chapter;
or

(b) Make, cause to be made or permit to be made any false
entry in books, records or accounts with intent to defraud the State
or to evade the payment of the tax or any part of the tax imposed
by this chapter.

2. Any person who violates the provisions of subsection 1 is
guilty of a gross misdemeanor.

Sec. 31. Except as otherwise provided in sections 10 and 30
of this act, a person who violates any provision of this chapter is
guilty of a misdemeanor.

Sec. 32. Any prosecution for violation of any provision of
this chapter must be instituted within 3 years after the commission
of the offense.

Sec. 33. In the determination of any case arising under this
chapter, the rule of res judicata is applicable only if the liability
involved is for the same period as was involved in another case
previously determined.

Sec. 34. The remedies of the State provided for in this
chapter are cumulative, and no action taken by the Department or
the Attorney General constitutes an election by the State to pursue
any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 35. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372B, 374, 377, 377A, 377C or 377D of NRS, or sections 2 to 34, inclusive, of this act, any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090, 482.313, 482C.230 or 482C.240, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 36. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS 482.313, 482C.230 or 482C.240, or chapter 585 or 680B of NRS, or sections 2 to 34, inclusive, of this act, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.
3. In making its determination of the amount required to be
paid, the Department shall impose interest on the amount of tax
determined to be due, calculated at the rate and in the manner set
forth in NRS 360.417, unless a different rate of interest is
specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in
addition to the amount of a determination that is made in the case of
the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be
made at any time thereafter within the time prescribed in NRS
360.355 as to liability arising out of that business, irrespective of
whether the determination is issued before the due date of the
liability.

Sec. 37. NRS 360.417 is hereby amended to read as follows:
360.417 Except as otherwise provided in NRS 360.232 and
360.320, and unless a different penalty or rate of interest is
specifically provided by statute, any person who fails to pay any tax
provided for in chapter 362, 363A, 363B, 363C, 363D, 369, 370,
372, 372B, 374, 377, 377A, 377C, 377D, 444A or 585 of NRS, or
sections 2 to 34, inclusive, of this act, any of the taxes provided for
in NRS 372A.290, or any fee provided for in NRS 482.313,
482C.230 or 482C.240, and any person or governmental entity that
fails to pay any fee provided for in NRS 360.787, to the State or a
county within the time required, shall pay a penalty of not more than
10 percent of the amount of the tax or fee which is owed, as
determined by the Department, in addition to the tax or fee, plus
interest at the rate of 0.75 percent per month, or fraction of a month,
from the last day of the month following the period for which the
amount or any portion of the amount should have been reported
until the date of payment. The amount of any penalty imposed must
be based on a graduated schedule adopted by the Nevada Tax
Commission which takes into consideration the length of time the
tax or fee remained unpaid.

Sec. 38. NRS 360.510 is hereby amended to read as follows:
360.510 1. If any person is delinquent in the payment of any
tax or fee administered by the Department or if a determination has
been made against the person which remains unpaid, the
Department may:
(a) Not later than 3 years after the payment became delinquent
or the determination became final; or
(b) Not later than 6 years after the last recording of an abstract
of judgment or of a certificate constituting a lien for tax owed,
give a notice of the delinquency and a demand to transmit
personally or by registered or certified mail to any person,
including, without limitation, any officer or department of this State
or any political subdivision or agency of this State, who has in his or
her possession or under his or her control any credits or other
personal property belonging to the delinquent, or owing any debts to
the delinquent or person against whom a determination has been
made which remains unpaid, or owing any debts to the delinquent or
that person. In the case of any state officer, department or agency,
the notice must be given to the officer, department or agency before
the Department presents the claim of the delinquent taxpayer to the
State Controller.

2. A state officer, department or agency which receives such a
notice may satisfy any debt owed to it by that person before it
honors the notice of the Department.

3. After receiving the demand to transmit, the person notified
by the demand may not transfer or otherwise dispose of the credits,
other personal property, or debts in his or her possession or under
his or her control at the time the person received the notice until the
Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within
10 days after receipt of the demand to transmit, inform the
Department of and transmit to the Department all such credits, other
personal property or debts in his or her possession, under his or her
control or owing by that person within the time and in the manner
requested by the Department. Except as otherwise provided in
subsection 5, no further notice is required to be served to that
person.

5. If the property of the delinquent taxpayer consists of a series
of payments owed to him or her, the person who owes or controls
the payments shall transmit the payments to the Department until
otherwise notified by the Department. If the debt of the delinquent
taxpayer is not paid within 1 year after the Department issued the
original demand to transmit, the Department shall issue another
demand to transmit to the person responsible for making the
payments informing him or her to continue to transmit payments to
the Department or that his or her duty to transmit the payments to
the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer
or other disposition of a deposit in a bank or credit union or other
credits or personal property in the possession or under the control of
a bank, credit union or other depository institution, the notice must
be delivered or mailed to any branch or office of the bank, credit
union or other depository institution at which the deposit is carried
or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency
makes any transfer or other disposition of the property or debts
required to be withheld or transmitted, to the extent of the value of
the property or the amount of the debts thus transferred or paid, that
person is liable to the State for any indebtedness due pursuant to this
chapter, chapter 360B, 362, 363A, 363B, 363C, 363D, 369, 370,
NRS 482.313, 482C.230 or 482C.240, or chapter 585 or 680B of
NRS or sections 2 to 34, inclusive, of this act from the person with
respect to whose obligation the notice was given if solely by reason
of the transfer or other disposition the State is unable to recover the
indebtedness of the person with respect to whose obligation the
notice was given.

Sec. 39. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from
taxation:

(a) Personal property held for sale by a merchant;
(b) Personal property held for sale by a manufacturer;
(c) Raw materials and components held by a manufacturer for
manufacture into products, and supplies to be consumed in the
process of manufacture;
(d) Tangible personal property purchased by a business which
will be consumed during the operation of the business;
(e) Livestock;
(f) Colonies of bees;
(g) Pipe and other agricultural equipment used to convey water
for the irrigation of legal crops;
(h) All boats;
(i) Slide-in campers and camper shells;
(j) Except as otherwise provided in NRS 361.186, fine art for
public display; [and]
(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and
(2) Located in this state solely for the purposes of:
    (I) An exhibit that is used in a convention or tradeshow
    that is located in this State; or
    (II) A display, exhibition, carnival, fair or circus that is
transient in nature and is located in this State for not more than 30
days [1]; and

(l) Heavy equipment rental property.

2. The Nevada Tax Commission may exempt from taxation
that personal property for which the annual taxes would be less than
the cost of collecting those taxes. If such an exemption is provided,
the Nevada Tax Commission shall annually determine the average
cost of collecting property taxes in this state which must be used in
determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph
(j) of subsection 1 shall:
(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) “Boat” includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) “Fine art for public display”:

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm’s length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:
(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) “Heavy equipment rental property” has the meaning ascribed to it in section 6 of this act.

(d) “Personal property held for sale by a merchant” includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(e) “Public display” means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(f) “Pupil” means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(g) “Student” means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.
Sec. 40. The amendatory provisions of section 39 of this act do not apply to any taxes due for any period ending on or before June 30, 2024.

Sec. 41. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 40, inclusive, of this act become effective:
(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
(b) On July 1, 2024, for all other purposes.
Fiscal Notes - Fiscal Note ID 7088

NOTE: This document was printed by the listed agency from the Fiscal Note System and is not the official fiscal note prepared by the Fiscal Analysis Division pursuant to NRS 218D.480.

Document: BDR 32-87 (Redo 0) / SB233 (As Introduced)
Fiscal Note ID: 7088
Printed by: jfoli

Lyon County Response To Fiscal Notes Request

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<th>Category Type</th>
<th>Items of Revenue or Expense or Both</th>
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<th>Fiscal Year 2024-25</th>
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Organizational Input

Explanation: We estimate a reduction in property tax revenue as companies switch from owning heavy equipment to leasing as there becomes a greater tax benefit to do so. There is also an estimated corresponding loss of Assessor’s Commissions for the same reason. There will also be a software modification needed for us to apportion sales tax revenue in the same manner as property taxes. No replacement revenue is anticipated as the bill calls for the heavy equipment rental sales tax to be reported in the County where the provider of the equipment is located. This will most likely be in Carson City or Washoe County for equipment leased in Lyon County.

Organizational Impact: Has Impact
Signed by: Josh Foli
Title: Comptroller

Attached Files
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
21.a

Subject:
For Possible Action: Approve critical labor shortage designations for the Building Inspector and Plans Examiner positions.

Summary:
State law allows public employers to make critical labor shortage (CLS) designations for positions that have been or will be difficult to fill. To make a CLS designation, the employer's governing body must adopt findings addressing each factor under the CLS statute. Proposed findings are attached addressing each factor as regards Lyon County's Building Inspector and Plans Examiner positions. If adopted, these findings would effectuate a CLS designation for both positions that is good for two years (with the option to thereafter recertify). During such time period Lyon County could fill the positions with PERS retirees. Lyon County will likely be able to source PERS retiree candidates from the outside engineering firm with which it is ending its contract for building services. For Lyon County, employing the retirees would be cost-neutral; it would not require any additional contributions to PERS on the County's end and would not otherwise require any additional appropriation.

Financial Department Comments:
This will not change the budgeted amount that we pay for the position.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Adopt attached findings and approve critical labor shortage designations. This will allow us to recruit and hire PERS retirees.

ATTACHMENTS
- Building Inspector and Plans Examiner CLS Findings
CRITICAL LABOR SHORTAGE DESIGNATION FOR BUILDING INSPECTOR AND PLANS EXAMINER POSITIONS

Lyon County has historically contracted with an engineering firm to provide building inspection and plan review services. Lyon County recently opted to bring these services in-house and will allow the contract with the engineering firm to expire on June 30, 2023. Lyon County has been conducting recruitments to fill the new in-house positions, but there remains one unfilled Building Inspector position and one unfilled Plans Examiner position.

Pursuant to NRS 286.523, the Lyon County Board of Commissioners makes the following findings in support of designating the Building Inspector position and the Plans Examiner position as positions for which there is a critical labor shortage, which would allow Lyon County to fill the positions with a PERS retiree.

1. History of the rate of turnover for the position. As Lyon County has contracted for these services for approximately the past decade, turnover data is unavailable.

2. Number of openings for the positions and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted. There is currently one opening for Building Inspector and one opening for Plans Examiner. Lyon County has attempted to fill these openings using all of its normal recruitment methods, including posting the positions on Lyon County’s website, social media, Indeed.com, and LinkedIn.com. It has been unable to draw suitable candidates with the requisite certifications and qualifications.

3. Length of time the position has been vacant. The position has been vacant for over forty five days. While this is not on its face an extraordinary time period, it is uncertain whether Lyon County will find ideal candidates in the near future. The universe of candidates with the requisite certifications and qualifications is limited, and there are multiple public and private entities in northern NV currently seeking building inspectors and plans examiners. In addition, time is of the essence given that the contract with the engineering firm will expire on June 30, 2023, and Lyon County needs to have trained and qualified personnel in the position before then. Lyon County does not have the luxury of leaving this position open for many months.
4. **Difficulty filling the position due to special circumstances.** Attracting qualified candidates to work in rural communities is a perpetual challenge, and this holds especially true for specialized, paraprofessional positions. We source much of Lyon County’s paraprofessional-level talent from the Carson City and Reno areas. For most candidates, commuting to Yerington for the same or less pay that they would receive in an urban jurisdiction is a nonstarter. In a job market where competition for these candidates remains robust, a critical labor shortage designation is anticipated to be helpful in filling these positions with qualified and experienced candidates.

5. **History and success of the efforts to recruit for the position.** As indicated above, we have not succeeded in filling these positions via our normal recruitment methods. Without the ability to hire a retiree, we are at increased risk of approaching the June 30, 2023 contract-expiration deadline without experienced, trained staff to perform building-inspection and plan-review functions.

I certify that the Lyon County Board of Commissioners has adopted the foregoing findings after discussion of the matter in an open public meeting:

________________________________________________
David Hockaday
Board Chair
Lyon County Board of Commissioners

Date: April 6, 2023
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
22.a

Subject:
For Possible Action: Approve Settlement Agreement to resolve lawsuit filed by Stanley H. Lucas against Lyon County et al related to the Traditions Villages Subdivision, wherein Lyon County waives depreciation payment from Stanley H. Lucas of $200,801.44, and agrees to pay $25,000 to Stanley H. Lucas to resolve all claims with no parties admitting liability, and the county will receive $75,000 to offset the depreciation waiver. The funding for the settlement is paid by the Nevada Public Agency Insurance Pool.

Summary:
Stanley H. Lucas filed an application for a zoning amendment and tentative subdivision map for 43 single family lots in the Dayton area. The Board of County Commissioners approved the zoning amendment and denied the Tentative Subdivision Map in 2021.

On April 23, 2021, Lucas filed a Petition for Judicial Review in the Third Judicial District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00455, seeking judicial review of the Lyon County BOCC denial of the Cottages at Traditions Tentative Map. On the same day, April 23, 2021, Lucas filed a Civil Complaint in the Third Judicial District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00454, seeking damages against the named Defendants Lyon County, the Lyon County BOCC, Commissioners Wes Henderson, Vida Keller, Ken Gray, Robert Jacobsen, and Dave Hockaday based upon the denial of the Cottages at Traditions Tentative Map.

On October 1, 2021, the Honorable District Judge Leon Aberasturi entered his Order in the Petition for Judicial Review case vacating the Lyon County BOCC’s decision denying the Cottages at Traditions Tentative Map and mandating approval of that Tentative Map. Subsequently, the Lyon County BOCC approved the Cottages at Traditions Tentative Map, effectively terminating the Petition for Judicial Review case. The Civil Complaint between the Parties remained pending.

After settlement discussions and mediation, the Parties have agreed to resolve all of their legal disputes concerning the Civil Complaint and the Cottages at Traditions upon terms set forth in the agreement which includes a $25,000 payment to Stanley H. Lucas. Neither party admits any liability as part of the settlement. The county will receive $75,000 to offset the depreciation waiver. The funding for the settlement comes from the Insurance POOL.

Financial Department Comments:
This should be reimbursed from our insurance company.

Approved As To Legal Form:
County Manager Comments:

Recommendation:
Approve Agreement

ATTACHMENTS
- Settlement Agreement Lucas v. Lyon County
SETTLEMENT AGREEMENT

This Settlement Agreement (this “Agreement”) is made and entered into this ___ day of _____________________, 2023, by the County of Lyon, a political subdivision of the State of Nevada, which includes the Board of Commissioners of Lyon County and individual members or former members of the Board of County Commissioners of Lyon County, namely Wes Henderson, Vida Keller, Ken Gray, Robert Jacobson, and Dave Hockaday (collectively referred to as “Lyon County”) and Stanley H. Lucas, a resident of the state of California (hereinafter referred to as “Lucas”), all of which are referred to as the “Parties.” The Parties understand that this Agreement shall be effective on the date that it is signed by all of the Parties hereto.

RECITALS

A. In 2021, Lucas applied to Lyon County for a zoning map amendment and a Tentative Map for a certain development known as the “Cottages at Traditions.” Through these applications, Lucas sought to downzone the real property where the Cottages at Traditions was to be located to a zoning designation permitting single family homes, and through the Tentative Map for the Cottages at Traditions, Lucas sought development of the 43 unit Cottages at Traditions project.

B. On March 10, 2021, the Lyon County Planning Commission held a duly noticed public hearing on the two Lucas development applications pertaining to the Cottages at Traditions. At the conclusion of the public hearing, the Lyon County Planning Commission unanimously voted to approve both applications pertaining to the zoning change and the Tentative Map.

C. Pursuant to the Lyon County Code, both applications were then sent to the Lyon County Board of County Commissioners for consideration at a public hearing. On April 1, 2021, the Lyon County Board of County Commissioners (“BOCC”) held a public hearing on the Lucas application for the zoning amendment and the Tentative Map.

D. At the conclusion of the April 1, 2021 public hearing, the Lyon County BOCC voted to approve the zoning amendment and to deny the Tentative Map application.

E. On April 23, 2021, Lucas filed a Petition for Judicial Review in the Third Judicial District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00455, seeking judicial review of the Lyon County BOCC denial of the Cottages at Traditions Tentative Map. On the same day, April 23, 2021, Lucas filed a Civil Complaint in the Third Judicial District Court of the State of Nevada, In and For the County of Lyon, Case No. 21-CV-00454, seeking damages against the named Defendants Lyon County, the Lyon County BOCC, Commissioners Wes Henderson, Vida Keller, Ken Gray, Robert Jacobsen, and Dave Hockaday based upon the denial of the Cottages at Traditions Tentative Map.

F. On October 1, 2021, the Honorable District Judge Leon Aberasturi entered his Order in the Petition for Judicial Review case vacating the Lyon County BOCC’s decision denying the Cottages at Traditions Tentative Map and mandating approval of that Tentative Map.
Subsequently, the Lyon County BOCC approved the Cottages at Traditions Tentative Map, effectively terminating the Petition for Judicial Review case. The Civil Complaint between the Parties remained pending.

G. The Parties have now engaged in substantial settlement discussions and engaged in a mediation with Retired District Court Judge David Gamble on January 23, 2023. As a result of the settlement discussions and mediation, the Parties have agreed to resolve all of their legal disputes concerning the Civil Complaint and the Cottages at Traditions upon the terms hereinafter stated.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, and intending to be legally bound, and without admission of liability by any of them, the Parties hereby agree as follows:

1. **Waiver of Depreciation.** Cottages at Traditions is a part of a larger development known as the “Traditions.” During the development approval process of the Traditions, Lyon County required a certain depreciation fee in the amount of $200,801.44 for existing utility infrastructure. Lyon County agrees to waive this $200,801.44 depreciation fee in connection with Traditions’ existing utility infrastructure, and Lyon County agrees not to require, demand, or request in the future that Lucas, Cottages at Traditions, or Traditions pay any depreciation fee related to Cottages at Traditions.

2. **Cash Payment.** In addition to waiving the $200,801.44 depreciation fee in connection with Traditions’ existing utility infrastructure, Lyon County also agrees to pay to Lucas the sum of $25,000. The payment in the amount of $25,000 shall be paid to “Stanley H. Lucas” and shall be delivered to Lucas’s counsel at Holland & Hart LLP within fifteen (15) days after all Parties have signed the Agreement.

This cash payment of $25,000 will be made by Lyon County’s insurer, the Nevada Public Agency Insurance Pool (the “Pool.”) The Pool is also contributing an additional $75,000 to the overall settlement of this matter to defray a portion of Lyon County’s waived depreciation fee set forth in Paragraph 1, above. This additional $75,000 contribution enabled Lyon County to waive the entirety of the depreciation fee. The $75,000 payment will be tendered to Lucas’ counsel (in addition to the $25,000 payment) in a separate check made payable to “Holland & Hart LLP” and then Holland & Hart LLP will forward the $75,000 payment to Lyon County as part of the overall settlement.

3. **Mutual Release.**

a. Lucas agrees that, upon execution of this Agreement, Lucas (including, without limitation, his affiliated entities, officers, directors, employees, agents, contractors, successors, assigns, and any individuals or entities claiming by or through any of them) forever waives, releases, discharges and holds harmless Lyon County, the Lyon County BOCC, Commissioners Wes Henderson, Vida Keller, Ken Gray, Robert Jacobsen, and Dave Hockaday (including, without limitation, their employees, agents, contractors, successors, assigns, insurers and any individuals or entities claiming by or through any of them) (collectively referred to as
“Lyon County Released Parties”) from and against any and all manner of claims, rights, liabilities, demands, actions, or causes of action of any kind, which prior to the date of this Agreement, he had, or may have had, or may in the future have against any of the Lyon County Released Parties whether known or unknown, suspected or unsuspected, which arise out of, are connection with, or relate in any way to, the claims and allegations raised (or that could have been raised) in both Case No. 21-CV-00455 (Petition for Judicial Review) and Case No. 21-CV-00454 (Civil Complaint).

b. Lyon County Released Parties agree that upon execution hereof, they (including their employees, agents, contractors, successors, assigns, insurers, and any individuals or entities claiming by or through any of them) forever waive, release, discharge, and hold harmless Lucas (including, without limitation, any of his affiliated entities, officers, directors, employees, agents, contractors, successors, assigns, and any individuals or entities claiming by or through any of them) from and against any and all manner of claims, rights, liabilities, demands, actions, or causes of action of any kind, which prior to the date of this Agreement, they had, have, or may have, or may in the future have against Lucas whether known or unknown, suspected or unsuspected, which arise out of, are connected with, or relate in any way to, the claims and allegations raised (or that could have been raised) in both Case No. 21-CV-00455 (Petition for Judicial Review) and Case No. 21-CV-00454 (Civil Complaint).

c. This Agreement may be pleaded as a full and complete defense in any action, claim, suit, or other proceeding which arises out of or relates in any way to the claims, causes of action and demands released herein.

d. The claims released by this Agreement shall not include claims arising out of the enforcement or breach of this Agreement.

4. **No Admission of Liability.** The Parties hereto acknowledge and agree that all claims, causes of action, defenses, damages, and liability asserted in both Case No. 21-CV-00455 (Petition for Judicial Review) and Case No. 21-CV-00454 (Civil Complaint) are disputed by the Parties, and that this Agreement does not constitute, nor shall it be construed or interpreted as, an admission of liability in any respect whatsoever, which liability is expressly denied by the Parties.

5. **Dismissal of Action.** Upon the execution of this Agreement, the Parties agree to enter into a Stipulation for Dismissal with Prejudice of Case No. 21-CV-00454 (Civil Complaint) and that the Parties will cooperate to dismiss that action between them with prejudice, with each party to bear their own costs and attorneys’ fees.

6. **Acknowledgments.** By entering into this Agreement, the Parties mutually understand, agree, and warrant that: (a) no promise or inducement has been offered except as herein set forth; (b) this Agreement is made in good faith and is equitable; (c) this Agreement is executed without reliance upon any statement or representation by any of the Parties or their representatives concerning the nature or extent of the claimed damages or legal liability therefor; (d) the Parties have legal authority and are legally competent to execute this Agreement and to accept full responsibility therefor; (e) the releases encompassed herein are made voluntarily and
without influence, compulsion, or duress of any kind from any source, including, but not limited to, any other party or parties, their attorneys, representatives, or anyone acting or purporting to act on behalf of any party; (f) the Parties have completely read the Agreement and that they understand its terms, and that the Parties voluntarily accept those terms and agree to enter into this Agreement; and (g) the persons executing this Agreement on behalf of each party has the full authority to act on behalf and bind the respective party.

7. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada, without reference to its choice of law principles.

8. **Headings.** The headings in this Agreement are included for convenience of reference only and shall not in any way affect the meaning or interpretation of this Agreement.

9. **Advice of Counsel; Independent Judgment.** Each of the Parties represents and warrants that each has received the advice of independent counsel of their choice regarding the terms, conditions, and enforceability of this Agreement. Each of the Parties further represents and warrants that in executing this Agreement they are relying solely upon their own independent judgment and the advice of their own counsel and tax advisors and have not been influenced in any way whatsoever by any representation, statement, or action of any of the Parties released under this Agreement, or their employees, agents or representatives.

10. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original; and such counterparts shall constitute one and the same Agreement. Any signature page of the Agreement may be detached from any counterpart without impairing the legal effect of any signatures and may be attached to another counterpart identical in form. This Agreement may be executed by signatures provided by facsimile or email, and such signatures shall be as binding and effective as original signatures.

11. **Severability.** In the event any provision or any portion of any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable by reason of any law or public policy, such provision or portion thereof shall be considered to be deleted, and the remainder of this Agreement shall constitute the agreement between the Parties unless such deletion shall frustrate the primary purposes of this Agreement.

12. **Entire Agreement; Modifications.** This Agreement constitutes the entire agreement between the Parties hereto and supersedes all prior discussions, negotiations, and agreements, whether oral or written. No amendment or alteration of this Agreement shall be valid or binding unless made in writing and signed by each of the Parties.

13. **Further Assurances.** The Parties will fully cooperate to execute any supplemental documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.
14. **Third Party Beneficiary Rights.** This Agreement is not intended to create any third-party beneficiary rights in any person not a party hereto.

15. **Construction.** This Agreement is the product of joint collaboration and negotiations among the Parties and their counsel. The terms and conditions of this Agreement shall be construed as a whole according to their fair meaning, and not strictly for or against any party. Further, any ambiguities are to be resolved according to their fair meaning, and not construed against the drafting party.

16. **Lyon County Representations.** Lyon County expressly represents that no further administrative action by Lyon County is required for them to enter this Agreement, and Lyon County further expressly represents that Lyon County BOCC approval is unnecessary for Lyon County to enter this Agreement and for Lyon County, including their insurers, to be bound by it.

17. **Effective Date.** This Agreement shall be effective upon execution by all of the Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Confidential Settlement Agreement as of the ____ day of __________________, 2023.

By: ____________________________
DON SMIT, AS AGENT ON
BEHALF OF STANLEY H. LUCAS
PURSUANT TO A LIMITED
POWER OF ATTORNEY DATED
JULY 28, 2022

By: ____________________________
CHAIR, LYON COUNTY BOARD
OF COUNTY COMMISSIONERS
ON BEHALF OF ALL NAMED
DEFENDANTS
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
23.a

Subject:
For Possible Action: Approve Resolution for County Investment Policy

Summary:

Financial Department Comments:
Approval Recommended.

Approved As To Legal Form:

County Manager Comments:

Recommendation:
Approve Resolution for County Investment Policy

ATTACHMENTS
- LYON COUNTY INVESTMENT POLICY FHN MAIN (Track Changes)
- LYON COUNTY INVESTMENT POLICY FHN MAIN (Final)
WHEREAS, LYON COUNTY has sums of money available for investment; and

WHEREAS, the State of Nevada pursuant to NRS 355 has set the requirements for investment accounts; and

WHEREAS, it may be necessary to make investments on a day to day basis;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Lyon County Treasurer is directed to abide by the following LYON COUNTY INVESTMENT POLICY:

County funds and trust and agency funds held by the County are to be invested for maximum security of principal with secondary emphasis on achieving the highest return, while meeting the daily cash flow needs in the Treasurer’s discretion. Any type of investment authorized by NRS 355 is allowed. The Treasurer will determine the specific banks, investment houses, brokerage firms and other financial institutions which should be used in pursuing Lyon County’s investment program.

General Requirements

Bank or investment accounts must fully meet the requirements set forth in Nevada Revised Statutes 355.

New bank or investment accounts must be implemented pursuant to Lyon County Code Title 1, Chapter 14.

Security of Principal Risk

For securities issued and fully guaranteed as to payment by an agency, or government-sponsored enterprise of the U.S. Government, the issuer shall be rated at least AAA or its equivalent by at least two of the three major rating services of Fitch, Moody’s, and Standard & Poor’s (S&P). Commercial paper obligations shall be rated by at least two of the three major rating services with a minimum rating of: F1 by Fitch, P1 by Moody’s, and A1 by S&P. Corporate Bonds shall be rated AA by at least two of the three major rating services of Fitch, Moody’s, and S&P.

Permitted Investments

1. Local Government Investment Pool (LGIP): Participation in LGIP, which is managed by the Nevada State Treasurer pursuant to NRS Chapter 355.
2. Money Market Funds which are registered with the SEC, invests in treasuries or U.S. agencies, or repurchase agreements fully collateralized by such securities, and are rated AAA by at least one rating agency.
5. Commercial Paper by issuers domiciled in the United States with a maturity not to exceed 270 days. Must be rated A-1, P-1, or F1 by at least two rating agencies.
6. Corporate Bonds issued by corporations organized and operating in the United States. Corporate bonds must be AA rated by at least two rating agencies at time of purchase.
7. FDIC Insured CDs, which are issued by commercial banks or savings and loan associations. Money invested in a single issuer may not exceed the FDIC insurance limit at time of purchase.
8. Non-Negotiable CDs issued by insured commercial banks, insured credit unions or insured savings & loans associations. For limits above the FDIC limit certificates must be collateralized in the same manner as is required for uninsured deposits by a County pursuant to NRS 356.133.

In addition, no more than 5% of the total portfolio may be invested in securities of any single issuer, other than the US Government, its agencies, and sponsored enterprises.

**Interest Rate Risk**

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The County mitigates this risk by making longer-term investments only with funds that are not needed for current cash flow purposes, with the intent of holding these securities to maturity. The final maturity date of any individual security shall not exceed five years, and in the aggregate non-short term investments shall not exceed 50% of the portfolio.

This resolution does not limit the authority of a local government as defined by NRS 354 (other than the County) whose money is held in trust by the County to direct the receipt, disbursement and investment of its money independently of this resolution where such independent direction is authorized by law.

ADOPTED this __________ day of ________________, 2023.

AYES:______________________________________________

NAYES:______________________________________________

ABSTENTIONS:________________________________________

ABSENT:_____________________________________________
BOARD OF LYON COUNTY COMMISSIONERS

________________________

DAVE HOCKADAY, CHAIRMAN

ATTEST:

________________________

STACI LINDBERG
LYON COUNTY CLERK/TREASURER
RESOLUTION

WHEREAS, LYON COUNTY has sums of money available for investment; and

WHEREAS, the State of Nevada pursuant to NRS 355 has set the requirements for investment accounts; and

WHEREAS, it may be necessary to make investments on a day to day basis;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Lyon County Treasurer is directed to abide by the following LYON COUNTY INVESTMENT POLICY:

County funds and trust and agency funds held by the County are to be invested for maximum security of principal with secondary emphasis on achieving the highest return, while meeting the daily cash flow needs in the Treasurer’s discretion. Any type of investment authorized by NRS 355 is allowed. The Treasurer will determine the specific banks, investment houses, brokerage firms and other financial institutions which should be used in pursuing Lyon County’s investment program.

General Requirements

Bank or investment accounts must fully meet the requirements set forth in Nevada Revised Statutes 355.

New bank or investment accounts must be implemented pursuant to Lyon County Code Title 1, Chapter 14.

Security of Principal Risk

Permitted Investments

1. Local Government Investment Pool (LGIP): Participation in LGIP, which is managed by the Nevada State Treasurer pursuant to NRS Chapter 355.
2. Money Market Funds which are registered with the SEC, invests in treasuries or U.S. agencies, or repurchase agreements fully collateralized by such securities, and are rated AAA by at least one rating agency.
5. Commercial Paper by issuers domiciled in the United States with a maturity not to exceed 270 days. Must be rated A-1, P-1, or F1 by at least two rating agencies.
6. Corporate Bonds issued by corporations organized and operating in the United States. Corporate bonds must be AA rated by at least two rating agencies at time of purchase.

7. FDIC Insured CDs, which are issued by commercial banks or savings and loan associations. Money invested in a single issuer may not exceed the FDIC insurance limit at time of purchase.

8. Non-Negotiable CDs issued by insured commercial banks, insured credit unions or insured savings & loans associations. For limits above the FDIC limit certificates must be collateralized in the same manner as is required for uninsured deposits by a County pursuant to NRS 356.133.

In addition, no more than 5% of the total portfolio may be invested in securities of any single issuer, other than the US Government, its agencies, and sponsored enterprises.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The County mitigates this risk by making longer-term investments only with funds that are not needed for current cash flow purposes, with the intent of holding these securities to maturity. The final maturity date of any individual security shall not exceed five years, and in the aggregate non-short term investments shall not exceed 50% of the portfolio.

This resolution does not limit the authority of a local government as defined by NRS 354 (other than the County) whose money is held in trust by the County to direct the receipt, disbursement and investment of its money independently of this resolution where such independent direction is authorized by law.

ADOPTED this __________ day of ________________, 2023.

AYES:_________________________________________________________________

NAYES:________________________________________________________________

ABSTENTIONS:_________________________________________________________

ABSENT:_____________________________________________________________

BOARD OF LYON COUNTY COMMISSIONERS

______________________________
DAVE HOCKADAY, CHAIRMAN
ATTEST:

__________________________________
STACI LINDBERG
LYON COUNTY CLERK/TREASURER
RESOLUTION

WHEREAS, LYON COUNTY has sums of money available for investment; and

WHEREAS, the State of Nevada pursuant to NRS 355 has set the requirements for investment accounts; and

WHEREAS, it may be necessary to make investments on a day to day basis;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Lyon County Treasurer is directed to abide by the following LYON COUNTY INVESTMENT POLICY:

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General Requirements

Bank or investment accounts must fully meet the requirements set forth in Nevada Revised Statutes 355.

New bank or investment accounts must be implemented pursuant to Lyon County Code Title 1, Chapter 14.

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1. Local Government Investment Pool (LGIP): Participation in LGIP, which is managed by the Nevada State Treasurer pursuant to NRS Chapter 355.
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5. Commercial Paper by issuers domiciled in the United States with a maturity not to exceed 270 days. Must be rated A-1, P-1, or F1 by at least two rating agencies.
6. Corporate Bonds issued by corporations organized and operating in the United States. Corporate bonds must be AA rated by at least two rating agencies at time of purchase.
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8. Non-Negotiable CDs issued by insured commercial banks, insured credit unions or insured savings & loans associations. For limits above the FDIC limit certificates must be collateralized in the same manner as is required for uninsured deposits by a County pursuant to NRS 356.133.

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Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The County mitigates this risk by making longer-term investments only with funds that are not needed for current cash flow purposes, with the intent of holding these securities to maturity. The final maturity date of any individual security shall not exceed five years, and in the aggregate non-short term investments shall not exceed 50% of the portfolio.

This resolution does not limit the authority of a local government as defined by NRS 354 (other than the County) whose money is held in trust by the County to direct the receipt, disbursement and investment of its money independently of this resolution where such independent direction is authorized by law.

ADOPTED this __________ day of ______________, 2023.

AYES:_____________________________________________________

NAYES:___________________________________________________

ABSTENTIONS:__________________________________________

ABSENT:_________________________________________________

BOARD OF LYON COUNTY COMMISSIONERS

DAVE HOCKADAY, CHAIRMAN

ATTEST:

STACI LINDBERG
LYON COUNTY CLERK/TREASURER
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
24.a

Subject:
For Presentation and Discussion: Presentation and update from the Lyon County Public Administrator Bob Getto.

Summary:
Lyon County Public Administrator Bob Getto requested an agenda item to provide an update to the Board on the operations of the Public Administrator’s Office and to answer any questions the board may have.

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

•
NEVADA PUBLIC ADMINISTRATORS

MARCH 2022
**SUCCESION OF SEPARATE PROPERTY**

Bob Getto  
*Public Administrator*

<table>
<thead>
<tr>
<th>If the decedent leaves:</th>
<th>Then:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A SPOUSE and only ONE CHILD</td>
<td>The estate goes one-half to the surviving spouse and one-half to the child or the issue of the child. [134:002:1]</td>
</tr>
<tr>
<td>A SPOUSE and MORE THAN ONE CHILD</td>
<td>The estate goes one-third to the surviving spouse and the remainder in equal shares to the children and the lawful issue of any deceased child by right of representation. [134:004:02]</td>
</tr>
<tr>
<td>A SPOUSE and PARENTS but NO CHILDREN</td>
<td>The estate goes one-half to the surviving spouse, one-fourth to one parent of the decedent and one-fourth to the other parent of the decedent, if both are living. If both parents are not living, one-half to the parent then living. [134:005:01]</td>
</tr>
<tr>
<td>A SPOUSE and SIBLINGS but no CHILDREN or PARENTS</td>
<td>One-half of the estate goes to the surviving spouse and the other one-half goes in equal shares to the brothers and sisters of the decedent. [134:005:02]</td>
</tr>
<tr>
<td>PARENTS but no CHILDREN or SURVIVING SPOUSE</td>
<td>The estate goes one-half to one parent of the decedent and one-half to the other parent of the decedent, if both are living. If both parents are not living, the whole estate goes to the parent then living. [134:006:02]</td>
</tr>
<tr>
<td>SPOUSE but no CHILDREN, SIBLINGS or PARENTS</td>
<td>All of the separate property of the decedent goes to the surviving spouse [134:006:04]</td>
</tr>
<tr>
<td>SIBLINGS but no SPOUSE or CHILDREN</td>
<td>The estate goes in equal shares to the brothers and sisters of the decedent and to the lawful issue of any deceased brother or sister by right of representation as follows: 1) To the brothers and sisters, each a share, and 2) To the lawful issue of each deceased brother and sister, by right of representation. [134:006:06; Except]</td>
</tr>
<tr>
<td>No SPOUSE, CHILDREN, or IMMEDIATELY FAMILY</td>
<td>The estate goes to the next of kin in equal degree, except that if there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestors are preferred to those who claim through ancestors more remote. [134:070]</td>
</tr>
<tr>
<td>CHILDREN but no SPOUSE</td>
<td>The estate, if there is only one child, all goes to that child. If there is more than one child, the estate goes to all the children of the decedent, to share and share alike. [134:020]</td>
</tr>
</tbody>
</table>
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number: 
24.b

Subject:
For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 29.9459- acre feet of Lyon County Fairgrounds, Inc. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

- Stored Water Program Fairgrounds Application
- Walker River Irrigation District Stored Water Program Participant Agreement (Fairgrounds)
March 8, 2023

Dear Stored Water User:

The Walker River Irrigation District (the “District”) and National Fish and Wildlife Foundation (“NFWF”) entered into a Grant Agreement dated April 28, 2011, as subsequently amended (the “Grant Agreement”). Among other things, the Grant Agreement provides for a water leasing demonstration program to increase Walker Lake inflows and for use in obtaining other information. The water leasing demonstration program which has been established is a one-year “Stored Water Program.”

In order to implement the Stored Water Program, the District has received the necessary approvals to release up to a combined total of 25,000-acre feet of stored water from Bridgeport and Topaz Reservoirs to flow to Walker Lake. The Stored Water Program is a voluntary program. Through it, individual farmers within the District may, for an agreed upon payment, voluntarily dedicate a portion of their allocated stored water supply to the Stored Water Program for one year.

Subject to available water supply, the District plans to implement the Stored Water Program during the 2023 irrigation season. As part of that planning, the District is notifying all owners of land with apportioned stored water benefits within the District about the Stored Water Program, and providing an application form for those who, at least preliminarily, intend to participate.

Preliminary Interest in Participating

This letter and the enclosed Application are intended to obtain information on the interest of those landowners in participating in the Stored Water Program. Those landowners will not be required to make a final decision on their participation and the extent of that participation in the Stored water Program until May 31, 2023.

In the event there is a re-allocation of storage water in May, a second application period will be opened and all landowners will be able to apply their re-allocation to the Storage Water Leasing Program. Any unused storage water can be applied at that time. A Re-allocation Application will be mailed out following a re-allocation which must be submitted to our office by June 1, 2023.

Payments to participating farmers will be made for each acre foot of Stored Program Water enrolled in the Program and released from storage based on the results of a qualified third-party appraisal, which NFWF requires. That appraisal has been made, and the proposed payment for 2023 is $147.00 per acre foot.
In the event the above Stored Water Program price does not result in sufficient participation in the Program, the District, at its discretion, may then utilize a reverse auction or any other means of procurement so long as any price offered to participants in excess of the final appraised value has been approved in advance by NFWF consistent with Reclamation Guidelines. If that should occur, all participating landowners will have the right to receive the higher price for each acre foot the landowner enrolled into the Stored Water Program.

Minimum Participation and Other Requirements

Stored water enrolled in the Stored Water Program in 2023 will be considered as water used for purposes of determining quantities of any water to which you may be entitled to under permits or certificates issued by the Nevada State Engineer which limit the quantity to 4.0-acre feet per acre from all sources. In other words, if a participant holds a supplemental groundwater right which is subject to a duty limit of 4.0-acre feet from all sources, the State Engineer will treat the stored water as having been used to irrigate even though the stored water is enrolled in the Stored Water Program.

For example, assume a participant has 10 acres of land which includes appurtenant stored water of 20-acre feet and also a supplemental groundwater right with a limit of no more than 4.0-acre feet per acre from all sources, or 40-acre feet. If the participant enrolls the 20-acre feet of stored water in the Stored Water Program, the State Engineer will limit pumping of the supplemental groundwater right to 20-acre feet (40-acre feet less the 20-acre feet enrolled in the Stored Water Program).

In order to assist the Nevada State Engineer in enforcing that requirement, the District will be filing a temporary change application for each reservoir, which will require the District to identify by District User Number all participants in the Program and the extent of their participation.

Application

If you are interested in participating in the Stored Water Program during the 2023 irrigation season, you need to complete the enclosed Application and return it to the District office by May 12, 2023. You will be required to make a final decision on participation by May 31, 2023, at which time you will be required to execute and deliver to the District a Stored Water Program Participant Agreement. The form of the Stored Water Program Participant Agreement is also enclosed.

Please do not hesitate to call the District office at (775) 463-3524 if you have any questions concerning the Stored Water Program.

Sincerely,

[Signature]

Robert C. Bryan, General Manager

Enclosures
WALKER RIVER IRRIGATION DISTRICT
2023 STORED WATER PROGRAM APPLICATION

Completed Application required in the District office
no later than 3:30 p.m. PDT May 12, 2023

<table>
<thead>
<tr>
<th>Applicant Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant: Lyon County Fairgrounds, Inc. (If applicant is not the owner, must provide authorization to represent owner.)</td>
</tr>
<tr>
<td>Mailing Address: 27 S. Main St., Yerington, NV 89447</td>
</tr>
<tr>
<td>Street/P.O. Box</td>
</tr>
<tr>
<td>Home 775-463-6531</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Owner of Property / Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner (if other than Applicant):</td>
</tr>
<tr>
<td>Mailing Address:</td>
</tr>
<tr>
<td>Street/P.O. Box</td>
</tr>
<tr>
<td>Home</td>
</tr>
</tbody>
</table>

ENROLLMENT IN STORED WATER PROGRAM

Applicant’s Walker River Irrigation District User Number is: 1968

Applicant enrolls 29.9459 acre feet of stored water with respect to the above User Number in the Stored Water Program. Applicant understands that the enrollment may be withdrawn by written notice to Walker River Irrigation District no later than May 31, 2023.
SUPPLEMENTAL GROUNDWATER INFORMATION

Are there any supplemental groundwater rights appurtenant to the property to which the stored water is appurtenant?

(Circle one): YES or NO

If there are supplemental groundwater rights appurtenant to the property, the Nevada State Engineer Permit Number for the right(s) is/are ____________________________.

By completing and submitting an Application, the Applicant is deemed to represent and warrant to the District that the information included on the Application is complete and correct, and that this preliminary enrollment will become final if not withdrawn or modified in writing by May 31, 2023, and upon execution of a Stored Water Participant Agreement with the District.

Applicant signature: ________________________________

Date: ________________________, 2023
Division No: 3  
Card No: 30400

Name: Lyon County Fair Grounds, Inc.  
27 S. Main St.  
Yerington, NV  89447

Court Decree:

<table>
<thead>
<tr>
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<tr>
<td>NEWL</td>
<td>0.0000</td>
<td>19.3900</td>
<td>3.2076</td>
<td>65</td>
<td>1.5444</td>
<td>29.9459</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0.0000</td>
<td>19.3900</td>
<td></td>
<td></td>
<td></td>
<td>29.9459</td>
<td>29.9459</td>
<td>19.9619</td>
<td>9.9840</td>
</tr>
</tbody>
</table>

TOTAL ACRES: 58.6500  
Water Rt. Acres: 19.3900  
Non Wtr Rt. Acres: 39.2600  
Acre Ft Storage: 29.9459

Legal Description:  
Frac. in the S 1/2 of SW 1/4, Sec. 12;  
T 13 N, R 25 E.

Comments:  
06/18/03 - Changed APN

Document History:

<table>
<thead>
<tr>
<th>Document No</th>
<th>Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>#294460</td>
<td>04/15/2003</td>
<td>Record of Survey for Boundary Line Adjustment for Lyon County, Circle Bar N Ranch, Huss, Scarpello &amp; Santos</td>
</tr>
<tr>
<td>#294464</td>
<td>04/15/2003</td>
<td>Circle Bar N Ranch, a Nevada general partnership and Lyon County, a political subdivision of the State of Nevada (no water rights)</td>
</tr>
</tbody>
</table>
## Water Apportionment & Usage Summary

**Walker River Irrigation District**  
P.O. Box 820  
Yerington, NV  89447

**User #:** 1968  

Lyon County Commissioners  
27 S. Main St.  
Yerington, NV  89447

<table>
<thead>
<tr>
<th>Card #</th>
<th>Owner Name</th>
<th>Date</th>
<th>Description</th>
<th>Acre Feet Amount</th>
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<tbody>
<tr>
<td>30400</td>
<td>Lyon County Fair Grounds, Inc.</td>
<td>03/07/2023</td>
<td>100.00% East Apportionment</td>
<td>9.9840</td>
</tr>
<tr>
<td>30400</td>
<td>Lyon County Fair Grounds, Inc.</td>
<td>03/07/2023</td>
<td>100.00% West Apportionment</td>
<td>19.9619</td>
</tr>
</tbody>
</table>

Total Storage Available from Allocations, Purchases & Transfers (Excluding Usage)..... 29.9459

<table>
<thead>
<tr>
<th>Permit</th>
<th>Decree</th>
<th>Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>.0000</td>
<td>.0000</td>
<td>.0000</td>
</tr>
</tbody>
</table>

Total Water Usage to Date..........  
Storage Water Balance............. 29.9459

---

This is Not A Bill
STORED WATER PROGRAM PARTICIPANT AGREEMENT

This Stored Water Program Participant Agreement (“Agreement”) is entered into on this ____ day of __________, 2023 by and between the Walker River Irrigation District (the “District”) and the Owner (“Participant”) whose name, address and signature appear below.

RECITALS

1. The District is an irrigation district organized and existing under Chapter 539 of the Nevada Revised Statutes.

2. Pursuant to Section 208(a)(1) and Section 208(b)(2)(A), the District has entered into a Grant Agreement with the National Fish and Wildlife Foundation (“NFWF”) for the design, administration and management of a Stored Water Program to increase Walker Lake inflows and for use in obtaining information related thereto.

3. Landowners within the District boundaries with apportioned benefits from storage water rights held by the District in Bridgeport and Topaz Reservoirs are eligible to voluntarily participate in the Stored Water Program.

4. Participant’s District Water User Number is _______________________.

5. On ____________________, 2023, Participant applied to enroll _______ acre feet of Participant’s Stored Water under Participant’s Water User No. ________________________ in the Stored Water Program.

6. On March 7, 2023, the District Board established the stored water allocation for the 2023 Irrigation Season at 100%.

7. Participant desires to participate in the Stored Water Program during the 2023 Irrigation Season to the extent provided herein.
NOW, THEREFORE, based upon the foregoing, the District and Participant agree as follows:

ARTICLE I

Term

This Agreement shall be effective on the date of execution hereof, and shall remain in effect through October 31, 2023 unless sooner terminated as provided herein.

ARTICLE II

Enrollment in Stored Water Program

Participant enrolls _______________ acre feet of the stored water under Water User No. ______________ in the District’s Stored Water Program for the 2023 Irrigation Season.

Participant agrees and understands that such stored water will be released by the District from Bridgeport and/or Topaz Reservoir(s), and will be allowed to flow from the outlet of said reservoir(s) to and including Walker Lake as part of the District’s Stored Water Program. If the total of all participant enrollments in the Stored Water Program exceeds 25,000 acre feet, the participation of each enrollee will be reduced by a fraction, the denominator of which is the total acre feet enrolled in the Program by all participants, and the numerator of which is the total acre feet originally enrolled in the Program by the Participant.

ARTICLE III

Limitations Related to Water Use Under State Engineer Permits or Certificates

Participant understands and agrees that the Stored Water enrolled in the Stored Water Program pursuant to this Agreement will be considered by the Nevada State Engineer as water used to irrigate, and will be deducted from the quantity of water which may be used during the 2023 irrigation season under any State Engineer issued permit or certificate which limits water use to 4.0 acre feet from all sources. Participant further understands and agrees that as a result of
enrolling stored water in the Stored Water Program, Participant will not be eligible to apply for, and hereby waives any right to apply for, underground water from the District well during the 2023 Irrigation Season.

ARTICLE IV

Availability of Other Surface Water

Subject to Article III and except with respect to the stored water enrolled in the Stored Water Program, Participant may use any other surface water lawfully available to Participant for irrigation during the 2023 Irrigation Season.

ARTICLE V

Changes to Water Rights

In order to implement the Stored Water Program, the District will file two temporary change applications with the Nevada State Engineer, one for Bridgeport Reservoir and one for Topaz Reservoir (the “Temporary Change Applications”). Among other things, pursuant to the Temporary Change Applications, the District will identify by District User Number and District Water Card Number all participants in the Program and the extent of their participation, including with respect to Participant. Participant authorizes the District to file the Temporary Change Applications for purposes of implementing this Agreement and with respect to Participant. If the State Engineer does not approve the Temporary Change Applications by June 18, 2023, then both Participant and the District are released from their respective obligations hereunder, and Participant may utilize the Stored Water enrolled in the Stored Water program for irrigation purposes.

ARTICLE VI

Payment to Participant
Participant will be paid $147.00 for each acre foot of Participant’s stored water enrolled in the Stored Water Program and released from storage. In the event that the $147.00 per acre foot price does not result in sufficient participation in the Program, and the District receives approval for a higher price per acre foot as provided in the Grant Agreement, Participant will be paid the higher price per acre foot. The payment will be made by the District to Participant within 30 days after the District receives payment in full under the Grant Agreement from NFWF. Participant understands and agrees that the Stored Water Program is funded solely by a grant from NFWF. The expenditure or advance of any money for the performance of any obligation of the District under this Agreement shall be contingent upon its receipt of such funds. No liability shall accrue to the District in the event NFWF fails to provide said funds. If the District determines that it does not have and will not receive from NFWF adequate funding to make the payment described above, it shall endeavor to promptly notify Participant of all others participating in the Stored Water Program. Said notice may be delivered orally, directly to Participant, or by written notice delivered to Participant as set forth herein, and the obligations of the parties under this Agreement shall immediately terminate.

ARTICLE VII

District Assessments

Participant understands and agrees that Participant remains responsible to pay all assessments associated with the stored water enrolled in the Stored Water Program pursuant to this Agreement during the term of this Agreement.

ARTICLE VIII

Participant Representations

Participant represents and warrants to the District:
(a) that all information provided to the District in the Application is complete and correct;
(b) that he/she is the legal owner of the land to which the stored water is appurtenant, or if a lessee, has written authorization from the landowner; and
(c) that Participant is not subject to back-up withholding and has completed and provided to the District a W-9 Taxpayer Identification Number and Certification form.

ARTICLE IX

Additional Terms

(a) Nothing in this Agreement or its implementation affects, diminishes or shall be construed to affect or diminish in any way the validity of any water rights held by any party;
(b) The implementation of this Agreement is subject to the rules, regulations and determinations of all regulatory agencies having jurisdiction of the water and water rights utilized in carrying out the terms of this Agreement; and
(c) There are no intended third-party beneficiaries of this Agreement. This Agreement does not create any right in the public or in any person or entity other than the two parties hereto, and does not authorize any person or other entity other than the parties hereto to maintain an action at law or equity pursuant to this Agreement.

ARTICLE X

Liability

Participant shall indemnify and hold harmless the District from any loss or damage and from any liability on account of personal injury, property damage or claims for personal injury or death, or property damage of any nature caused by Participant or any person, firm or corporation acting on Participant’s behalf related to or arising out of this Agreement.

ARTICLE XI
Assignment – Successors and Assigns Obligated

This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, assigns and successors of the parties hereto. Participant shall not make any assignment or transfer of this Agreement or any right or interest therein until approved in writing by the District, and such approval shall not be unreasonably withheld. This Agreement may be amended by either party only if both parties agree in writing to any such amendment.

ARTIVLE XII

Severability

In the event any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

ARTICLE XIII

Notices

Notices and other communications required under this Agreement shall be first done via a telephone call to the number listed below, personal delivery to the address listed below, or by mail, and shall be deemed to have been duly given on the date of service, if served personally on the person to whom notice is to be given, or on the third (3rd) day after mailing, if mailed to the party to whom notice is to be given by first class mail, registered or certified, postage prepaid, and properly addressed as follows:

To the District: Walker River Irrigation District
Attn: General Manager
410 N. Main Street
P.O. Box 820
Yerington, Nevada 89447
Telephone: (775) 463-3523

To Participant: ______________________________
___________________________
___________________________

6
ARTICLE XIV

Miscellaneous

(a) This Agreement shall be governed by, and construed under, the laws of the State of Nevada.

(b) This Agreement contains the entire agreement between the parties hereto, and there are no promises, agreements, conditions, undertakings or warranties, or representations, oral or written, express or implied, between them other than as set forth herein.

(c) Whenever the approval or consent of the District or Participant is required for any purpose under this Agreement, that approval or consent will not be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

WALKER RIVER IRRIGATION DISTRICT             PARTICIPANT:

By: _______________________________             By: _______________________________
  General Manager                                     Title: ___________________________
Lyon County Board of County Commissioners Agenda Summary

Meeting Date: April 6, 2023

Agenda Item Number:
26.a

Subject:
For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 30.89- acre feet of Penrose General Improvement District. Stored Water Rights, until October 31, 2023, for $147 per each acre-foot.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Stored Water Program Penrose GID Application
- Walker River Irrigation District Stored Water Program Participant Agreement (Penrose General Improvement District)
March 8, 2023

DearStored Water User:

The Walker River Irrigation District (the “District”) and National Fish and Wildlife Foundation (“NFWF”) entered into a Grant Agreement dated April 28, 2011, as subsequently amended (the “Grant Agreement”). Among other things, the Grant Agreement provides for a water leasing demonstration program to increase Walker Lake inflows and for use in obtaining other information. The water leasing demonstration program which has been established is a one-year “Stored Water Program.”

In order to implement the Stored Water Program, the District has received the necessary approvals to release up to a combined total of 25,000-acre feet of stored water from Bridgeport and Topaz Reservoirs to flow to Walker Lake. The Stored Water Program is a voluntary program. Through it, individual farmers within the District may, for an agreed upon payment, voluntarily dedicate a portion of their allocated stored water supply to the Stored Water Program for one year.

Subject to available water supply, the District plans to implement the Stored Water Program during the 2023 irrigation season. As part of that planning, the District is notifying all owners of land with apportioned stored water benefits within the District about the Stored Water Program, and providing an application form for those who, at least preliminarily, intend to participate.

Preliminary Interest in Participating

This letter and the enclosed Application are intended to obtain information on the interest of those landowners in participating in the Stored Water Program. Those landowners will not be required to make a final decision on their participation and the extent of that participation in the Stored water Program until May 31, 2023.

In the event there is a re-allocation of storage water in May, a second application period will be opened and all landowners will be able to apply their re-allocation to the Storage Water Leasing Program. Any unused storage water can be applied at that time. A Re-allocation Application will be mailed out following a re-allocation which must be submitted to our office by June 1, 2023.

Payments to participating farmers will be made for each acre foot of Stored Program Water enrolled in the Program and released from storage based on the results of a qualified third-party appraisal, which NFWF requires. That appraisal has been made, and the proposed payment for 2023 is $147.00 per acre foot.
In the event the above Stored Water Program price does not result in sufficient participation in the Program, the District, at its discretion, may then utilize a reverse auction or any other means of procurement so long as any price offered to participants in excess of the final appraised value has been approved in advance by NFWF consistent with Reclamation Guidelines. If that should occur, all participating landowners will have the right to receive the higher price for each acre foot the landowner enrolled into the Stored Water Program.

Minimum Participation and Other Requirements

Stored water enrolled in the Stored Water Program in 2023 will be considered as water used for purposes of determining quantities of any water to which you may be entitled to under permits or certificates issued by the Nevada State Engineer which limit the quantity to 4.0-acre feet per acre from all sources. In other words, if a participant holds a supplemental groundwater right which is subject to a duty limit of 4.0-acre feet from all sources, the State Engineer will treat the stored water as having been used to irrigate even though the stored water is enrolled in the Stored Water Program.

For example, assume a participant has 10 acres of land which includes appurtenant stored water of 20-acre feet and also a supplemental groundwater right with a limit of no more than 4.0-acre feet per acre from all sources, or 40-acre feet. If the participant enrolls the 20-acre feet of stored water in the Stored Water Program, the State Engineer will limit pumping of the supplemental groundwater right to 20-acre feet (40-acre feet less the 20-acre feet enrolled in the Stored Water Program).

In order to assist the Nevada State Engineer in enforcing that requirement, the District will be filing a temporary change application for each reservoir, which will require the District to identify by District User Number all participants in the Program and the extent of their participation.

Application

If you are interested in participating in the Stored Water Program during the 2023 irrigation season, you need to complete the enclosed Application and return it to the District office by May 12, 2023. You will be required to make a final decision on participation by May 31, 2023, at which time you will be required to execute and deliver to the District a Stored Water Program Participant Agreement. The form of the Stored Water Program Participant Agreement is also enclosed.

Please do not hesitate to call the District office at (775) 463-3524 if you have any questions concerning the Stored Water Program.

Sincerely,

[Signature]

Robert C. Bryan, General Manager

Enclosures
WALKER RIVER IRRIGATION DISTRICT
2023 STORED WATER PROGRAM APPLICATION

Completed Application required in the District office
no later than 3:30 p.m. PDT May 12, 2023

Applicant Contact Information

Applicant:

Penrose General Improvement District

(If applicant is not the owner, must provide authorization to represent owner.)

Mailing Address:

27 S. Main St., Yerington NV 89447

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<th>Town/City</th>
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Phone:
Home 463-6531
Cell

Legal Owner of Property / Contact Information

Owner (if other than Applicant):

Mailing Address:

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Phone:
Home
Cell

ENROLLMENT IN STORED WATER PROGRAM

Applicant's Walker River Irrigation District User Number is: 2215

Applicant enrolls 30.89 acre feet of stored water with respect to the above User Number in the Stored Water Program. Applicant understands that the enrollment may be withdrawn by written notice to Walker River Irrigation District no later than May 31, 2023.
SUPPLEMENTAL GROUNDWATER INFORMATION

Are there any supplemental groundwater rights appurtenant to the property to which the stored water is appurtenant?

(Circle one): YES or NO

If there are supplemental groundwater rights appurtenant to the property, the Nevada State Engineer Permit Number for the right(s) is/are ________________________________.

By completing and submitting an Application, the Applicant is deemed to represent and warrant to the District that the information included on the Application is complete and correct, and that this preliminary enrollment will become final if not withdrawn or modified in writing by May 31, 2023, and upon execution of a Stored Water Participant Agreement with the District.

Applicant signature: ________________________________

Date: ________________________, 2023
### Court Decree:

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<th>Factor</th>
<th>Days Storage</th>
<th>Per Acre</th>
<th>Total</th>
<th>Topaz Res.</th>
<th>Bridgeport Res.</th>
<th>Claim No.</th>
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#### Water Rt. Acres: 20.0000

#### Non Wtr Rt. .0600

#### Acre Ft Storage: 30.8900

### Legal Description:
Fr. SE 1/4 of SW 1/4, Sec. 28; Fr. SE 1/4 of NE 1/4, Sec. 33; T 14 N, R 25 E.

### Comments:
02/25/2019 - Added APN

### Document History:

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<td>#49-161</td>
<td>04/18/1966</td>
<td>Marie Heffern to Penrose General Improvement District.</td>
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### Water Apportionment & Usage Summary

**Walker River Irrigation District**

3/15/2023

P.O. Box 820

Yerington, NV  89447

**User #: 2215**

Penrose General Improvement District

Lyon County

27 S. Main St.

Yerington, NV  89447

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**Total Storage Available from Allocations, Purchases & Transfers (Excluding Usage)....**

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**Total Water Usage to Date.........**

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**Storage Water Balance.........**

| | |
|-------------------------------|
| | 30.8900 |

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This is Not A Bill
STORED WATER PROGRAM PARTICIPANT AGREEMENT

This Stored Water Program Participant Agreement (“Agreement”) is entered into on this ____ day of __________, 2023 by and between the Walker River Irrigation District (the “District”) and the Owner (“Participant”) whose name, address and signature appear below.

RECITALS

1. The District is an irrigation district organized and existing under Chapter 539 of the Nevada Revised Statutes.

2. Pursuant to Section 208(a)(1) and Section 208(b)(2)(A), the District has entered into a Grant Agreement with the National Fish and Wildlife Foundation (“NFWF”) for the design, administration and management of a Stored Water Program to increase Walker Lake inflows and for use in obtaining information related thereto.

3. Landowners within the District boundaries with apportioned benefits from storage water rights held by the District in Bridgeport and Topaz Reservoirs are eligible to voluntarily participate in the Stored Water Program.

4. Participant’s District Water User Number is _______________________.

5. On __________________, 2023, Participant applied to enroll _______ acre feet of Participant’s Stored Water under Participant’s Water User No. ______________________ in the Stored Water Program.

6. On March 7, 2023, the District Board established the stored water allocation for the 2023 Irrigation Season at 100%.

7. Participant desires to participate in the Stored Water Program during the 2023 Irrigation Season to the extent provided herein.
NOW, THEREFORE, based upon the foregoing, the District and Participant agree as follows:

**ARTICLE I**

**Term**

This Agreement shall be effective on the date of execution hereof, and shall remain in effect through October 31, 2023 unless sooner terminated as provided herein.

**ARTICLE II**

**Enrollment in Stored Water Program**

Participant enrolls ______________ acre feet of the stored water under Water User No. ______________ in the District’s Stored Water Program for the 2023 Irrigation Season. Participant agrees and understands that such stored water will be released by the District from Bridgeport and/or Topaz Reservoir(s), and will be allowed to flow from the outlet of said reservoir(s) to and including Walker Lake as part of the District’s Stored Water Program. If the total of all participant enrollments in the Stored Water Program exceeds 25,000 acre feet, the participation of each enrollee will be reduced by a fraction, the denominator of which is the total acre feet enrolled in the Program by all participants, and the numerator of which is the total acre feet originally enrolled in the Program by the Participant.

**ARTICLE III**

**Limitations Related to Water Use Under State Engineer Permits or Certificates**

Participant understands and agrees that the Stored Water enrolled in the Stored Water Program pursuant to this Agreement will be considered by the Nevada State Engineer as water used to irrigate, and will be deducted from the quantity of water which may be used during the 2023 irrigation season under any State Engineer issued permit or certificate which limits water use to 4.0 acre feet from all sources. Participant further understands and agrees that as a result of
enrolling stored water in the Stored Water Program, Participant will not be eligible to apply for, and hereby waives any right to apply for, underground water from the District well during the 2023 Irrigation Season.

ARTICLE IV

Availability of Other Surface Water

Subject to Article III and except with respect to the stored water enrolled in the Stored Water Program, Participant may use any other surface water lawfully available to Participant for irrigation during the 2023 Irrigation Season.

ARTICLE V

Changes to Water Rights

In order to implement the Stored Water Program, the District will file two temporary change applications with the Nevada State Engineer, one for Bridgeport Reservoir and one for Topaz Reservoir (the “Temporary Change Applications”). Among other things, pursuant to the Temporary Change Applications, the District will identify by District User Number and District Water Card Number all participants in the Program and the extent of their participation, including with respect to Participant. Participant authorizes the District to file the Temporary Change Applications for purposes of implementing this Agreement and with respect to Participant. If the State Engineer does not approve the Temporary Change Applications by June 18, 2023, then both Participant and the District are released from their respective obligations hereunder, and Participant may utilize the Stored Water enrolled in the Stored Water program for irrigation purposes.

ARTICLE VI

Payment to Participant
Participant will be paid $147.00 for each acre foot of Participant’s stored water enrolled in the Stored Water Program and released from storage. In the event that the $147.00 per acre foot price does not result in sufficient participation in the Program, and the District receives approval for a higher price per acre foot as provided in the Grant Agreement, Participant will be paid the higher price per acre foot. The payment will be made by the District to Participant within 30 days after the District receives payment in full under the Grant Agreement from NFWF. Participant understands and agrees that the Stored Water Program is funded solely by a grant from NFWF.

The expenditure or advance of any money for the performance of any obligation of the District under this Agreement shall be contingent upon its receipt of such funds. No liability shall accrue to the District in the event NFWF fails to provide said funds. If the District determines that it does not have and will not receive from NFWF adequate funding to make the payment described above, it shall endeavor to promptly notify Participant of all others participating in the Stored Water Program. Said notice may be delivered orally, directly to Participant, or by written notice delivered to Participant as set forth herein, and the obligations of the parties under this Agreement shall immediately terminate.

**ARTICLE VII**

**District Assessments**

Participant understands and agrees that Participant remains responsible to pay all assessments associated with the stored water enrolled in the Stored Water Program pursuant to this Agreement during the term of this Agreement.

**ARTICLE VIII**

**Participant Representations**

Participant represents and warrants to the District:
(a) that all information provided to the District in the Application is complete and correct;

(b) that he/she is the legal owner of the land to which the stored water is appurtenant, or if a lessee, has written authorization from the landowner; and

(c) that Participant is not subject to back-up withholding and has completed and provided to the District a W-9 Taxpayer Identification Number and Certification form.

ARTICLE IX

Additional Terms

(a) Nothing in this Agreement or its implementation affects, diminishes or shall be construed to affect or diminish in any way the validity of any water rights held by any party;

(b) The implementation of this Agreement is subject to the rules, regulations and determinations of all regulatory agencies having jurisdiction of the water and water rights utilized in carrying out the terms of this Agreement; and

(c) There are no intended third-party beneficiaries of this Agreement. This Agreement does not create any right in the public or in any person or entity other than the two parties hereto, and does not authorize any person or other entity other than the parties hereto to maintain an action at law or equity pursuant to this Agreement.

ARTICLE X

Liability

Participant shall indemnify and hold harmless the District from any loss or damage and from any liability on account of personal injury, property damage or claims for personal injury or death, or property damage of any nature caused by Participant or any person, firm or corporation acting on Participant’s behalf related to or arising out of this Agreement.

ARTICLE XI
Assignment – Successors and Assigns Obligated

This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, assigns and successors of the parties hereto. Participant shall not make any assignment or transfer of this Agreement or any right or interest therein until approved in writing by the District, and such approval shall not be unreasonably withheld. This Agreement may be amended by either party only if both parties agree in writing to any such amendment.

ARTICLE XII

Severability

In the event any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

ARTICLE XIII

Notices

Notices and other communications required under this Agreement shall be first done via a telephone call to the number listed below, personal delivery to the address listed below, or by mail, and shall be deemed to have been duly given on the date of service, if served personally on the person to whom notice is to be given, or on the third (3rd) day after mailing, if mailed to the party to whom notice is to be given by first class mail, registered or certified, postage prepaid, and properly addressed as follows:

To the District: Walker River Irrigation District
Attn: General Manager
410 N. Main Street
P.O. Box 820
Yerington, Nevada 89447
Telephone: (775) 463-3523

To Participant:


6
ARTICLE XIV

Miscellaneous

(a) This Agreement shall be governed by, and construed under, the laws of the State of Nevada.

(b) This Agreement contains the entire agreement between the parties hereto, and there are no promises, agreements, conditions, undertakings or warranties, or representations, oral or written, express or implied, between them other than as set forth herein.

(c) Whenever the approval or consent of the District or Participant is required for any purpose under this Agreement, that approval or consent will not be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

WALKER RIVER IRRIGATION DISTRICT PARTICIPANT:

By: ____________________________ By: ____________________________
    General Manager Title: ____________________________
Meeting Date: April 6, 2023

Agenda Item Number:
27.a

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
  • - Cash Report 3-15-23
  • - Claims Report 3-1-23 to 3-15-23
### LYON COUNTY BALANCE as of March 15, 2023

#### Governmental Funds
- **General**: $22,028,024.39
- **Park Construction Tax**: $961,228.87
- **Cooperative Extension**: $490,335.86
- **Unemployment**: $430,908.88
- **Room Tax**: $97,076.66
- **County Stabilization**: $3,450,000.00
- **Aid to Domestic Violence**: $115.00
- **Vehicle Acquisition**: $466,691.06
- **Fair and Rodeo**: $208,991.06
- **Justice Court Special Assessment**: $1,099,566.69
- **District Court Restricted Fees**: $762,367.47
- **Juvenile Probation Special Assessment**: $40,364.47
- **Library Gift**: $13,347.06
- **Mining Claim Map**: $19,134.07
- **911 Surcharge**: $629,252.83
- **Animal Control Donations**: $44,182.67
- **Road Improvement**: $16,746,631.78
- **R T C**: $1,785,726.96
- **Opioid Settlement**: $440,355.48
- **General Indigent**: $293,952.54
- **Medical Indigent**: $4,445,433.94
- **Senior Services**: $736,855.22
- **Senior Services Donations**: $155,282.42
- **Capital Improvements**: $22,164,242.83

**Subtotal Governmental Funds**: $77,929,770.45

#### Enterprise Funds
- **Dayton Water Utility**: $14,715,599.95
- **Dayton Sewer Utility**: $13,392,799.61

**Subtotal Enterprise Funds**: $28,108,399.56

#### Component Unit Funds
- **Mason Valley Mosquito Control District**: $928,760.83
- **Central Lyon County Vector Control District**: $414,343.31
- **Walker River Weed Control District**: $205,954.34
- **Silver Springs General Improvement District**: $4,022,936.65
- **Willowcreek General Improvement District**: $713,804.67

**Subtotal Component Unit Funds**: $6,285,799.80

**Total Lyon County**: $112,323,969.81

**Total Custodial Funds**: $22,174,103.51

---

### BANK ACCOUNTS AND PETTY CASH

#### OLyst County
- Wells Fargo Bank Checking: $28,520,275.93
- Local Government Investment Pool: $106,157,182.93
- Inmate Trust: $33,521.22
- Fernley Swimming Pool Imprest: $300.00
- Dayton Utilities Imprest: $500.00
- Silver Springs GID Imprest: $500.00
- Petty Cash: $6,883.00

**TOTAL**: $134,719,163.08

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