

MAY 20, 2020

The meeting was called to order at 8:30 a.m. by Carol Shank, Chairwoman. Those present were Robert McDougal and Larry Rackley, Commissioners; Bryce Shields, District Attorney; Karen Wesner, Administrative Assistant; and Lacey Donaldson, Clerk.

The meeting is also being broadcast through Zoom.

APPROVAL OF MINUTES: Mr. McDougal made a motion to approve the minutes from the regular meetings of April 1st and April 15th, 2020 and the emergency meetings of April 3rd and April 7th, 2020 as submitted. Motion seconded by Mr. Rackley and passed.

PUBLIC INPUT: Mr. Rackley introduced Debra Campbell, the new Senior Center Director.

REVIEW OF ALL AGENDA ITEMS TO DETERMINE IF ANY DO OR DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION, OR EXPANSION OF A BUSINESS: Mr. McDougal made a motion that no agenda items impose a direct and significant economic burden on a business or directly restrict the formation, operation, or expansion of a business. Motion seconded by Mr. Rackley and passed.

UNCLASSIFIED DEPARTMENTS:

ROAD DEPARTMENT – Dan Hill submitted a written report. The chip seal project has been delayed due to the wet weather and is scheduled to start June 1st. They received some surplus cold mix from the local NDOT (Nevada Department of Transportation) crew and used it to patch the approach to the racetrack road. The Grass Valley transfer station has been cleaned up and the Grass Valley Fire Department will schedule a burn. The Road Department crew helped out at the Landfill a couple afternoons. Mr. Monroe extended the pad for the propane tanks at the Rye Patch Firehouse. They are blading the valley roads, as well as the roads in Imlay and Grass Valley with the recent rain.

LANDFILL – Mr. Hill's written report also include a Landfill update. Mr. Randolph's last day was May 10th. The hiring process is underway, but may be delayed by a week due to an error by the newspaper. The Imlay and Unionville burn piles have been burned.

Approval and update on hiring of vacant Landfill Operator position: Mr. Rackley made a motion to approve the advertising and hiring to fill the vacant Landfill Operator position. Motion seconded by Mr. McDougal and passed.

Mrs. Wesner stated that they are looking at taking out the CDL (Commercial Driver's License) requirement and it will probably be on the next agenda for approval.

BUILDINGS AND GROUNDS – John Handka was present.

Mr. Handka reported they have been working on the weeds at both cemeteries, the parks, and the ball fields. They will be starting some clean-up at the Airport.

Mr. McDougal asked what the status of the ball fields are if and when we are allowed to open them. Mr. Handka reported that they are ready to go. The bathrooms are ready to be opened. The ceiling in the concession stand is still open, as Mr. Handka is trying to locate the leak. Mr. Handka stated that there are several people that are walking their dogs out there. He is in the process of ordering and installing signs that say to clean up after your pet. Those that have been are throwing their plastic bags in the porta-potties, which is causing issues when they are emptied. If this isn't rectified, the porta-potties will be removed.

Mrs. Shank asked about the swimming pool. Mr. Handka was approached by the Rowe's. Mr. Handka was concerned about social distancing, etc. Mr. Rackley stated that the opening is up to the

Governor. We shouldn't be waiting to start preparations for opening, as then it will have a further delay when we have the go ahead. Mr. McDougal agreed. The Board instructed Mr. Handka to get the pool ready.

Mr. Handka was asked to stop with the installation of the shelving units in the Law Library by Judge Stephens. The Board and DA Shields would like as much shelving that will work installed so that as many of the old books can go back in.

GRASS VALLEY FIRE – Sean Burke spoke over the phone. Mr. Burke stated that they have re-started their training and are taking all the necessary precautions. They will be burning the burn pit at the transfer site this week.

Mike Heidemann spoke, giving an update on grants. We have been awarded the POOL/PACT grant for Rye Patch to purchase the remote control. Mr. Heidemann stated that several grants have come up, but he received no response from the fire departments, and we missed the application deadline.

Mr. Rackley stated that the new propane tank has been set at the Rye Patch Firehouse; however, the pad was not big enough, so they set a temporary tank.

SAFETY / CHN / CEMETERY – Cheryl Haas was present.

Ms. Haas stated that the updated labor posters have been ordered for the various county buildings. She also gave the Road Department some safety videos to watch regarding summertime safety.

Ms. Haas stated that the cemeteries look good. There was a funeral held on May 8th, which went well, and everyone complied with social distancing.

Ms. Haas also reported that the Health Nurse's office is preparing to assist with the COVID-19 testing at the end of the month.

EMERGENCY OPERATIONS MANAGER / LEPC – Sean Burke was on the phone.

Mr. Burke has been working with the National Guard to set up the COVID-19 testing and it will be held May 29th and 30th. 650 tests are available.

Appointment of Sean Burke as Emergency Management Director and contract for Emergency Management Director: Mr. Rackley made a motion to appoint Sean Burke as the Director of Emergency Management and approve the contract. Motion seconded by Mr. McDougal and passed.

Approval to apply for FEMA funds to reimburse Pershing County for COVID-19 costs and assignment of who will be responsible for the application process: Mrs. Shank stated that Mr. Burke has completed the initial signup. Mrs. Childs has been keeping track of expenses. Mr. Burke asked what the expenses are. Mrs. Shank stated that we have some administrative costs for employees on Administrative Leave and some supply costs. The information will be given to Mr. Burke to submit.

IT DEPARTMENT – Justin Abbott was present.

Mr. Abbott stated that he has set up the Pershing County Facebook page. Currently, Mr. Abbott and Mrs. Shank are the administrators. Mr. Abbott has been busy revamping his training materials. He is working with the Secretary of State's office on an election security project. He is also working on obtaining a DOT Gov domain for our website. Once that is complete, he will work on the transition to Office 365. Mr. Abbott stated that it has been a busy week with support tickets as well.

ECONOMIC DEVELOPMENT – Heidi Lusby-Angvick was present.

Update: Mrs. Lusby-Angvick reported that things haven't really slowed down during the shut-down. She has been working with Humboldt County and Great Basin College on a Workforce Development Project. They received a grant from the Desert Research Institute for approximately \$37,000. \$50,000 is needed to start the project, so they are reaching out to local businesses as well.

Assessment Grant report: In regard to the Brownfields grant, Mrs. Lusby-Angvick met with the EPA (Environmental Protection Agency) last week and everything is on task. She also met with the Public Relations person and they filmed a virtual walking tour. The Brownfields Assessment Grant Quarterly Progress Report was given to the Board as well.

WNDD, City of Lovelock and Pershing County Brownfields Grant update for April 2020: Mrs. Lusby-Angvick gave the Board Western Nevada Development District's Monthly Report #7, April 2020.

A copy of both the Brownfields Quarterly Report and WNDD's Monthly Report will be included with the meeting minutes.

Approval to apply with Western Nevada Development District for the FY 2020 Public Works and Economic Adjustment Assistance Notice of funding opportunity (FY20 PWEAA NOFO), specifically as it relates to economic resiliency and telehealth and broadband for the community and request for Letter of Support: Mrs. Lusby-Angvick isn't sure if a letter of support is necessary at this time as they haven't written the grant yet. Mrs. Lusby-Angvick stated that she thinks this grant has a 10% match, but that could be offset with high un-employment numbers. Mr. McDougal stated that yesterday, the WNDD Executive Board approved moving forward with these grants.

Mr. McDougal made a motion to approve applying with Western Nevada Development District for the FY 2020 Public Works and Economic Adjustment Assistance Notice of funding opportunity as it relates to economic resiliency and telehealth and broadband for the community to include a Letter of Support if needed. Motion seconded by Mr. Rackley and passed.

Request to send out RFI (Request for Information) for Broadband Expansion opportunities in the region (Pershing, Humboldt, Lander) per recommendation of the Governor's Office of Science, Information, and Technology (OSIT): Mr. McDougal made a motion to participate in the Request for Information for Broadband Expansion opportunities in the region per the recommendation of the Governor's Office of Science, Information, and Technology given that the criteria is acceptable. Motion seconded by Mr. Rackley and passed.

Mrs. Lusby-Angvick also reported that there is a virtual CDBG workshop coming up.

ELECTED DEPARTMENTS:

LACEY DONALDSON, CLERK-TREASURER – Mrs. Donaldson stated that Early Voting starts on Saturday. It will look different than the normal early voting. All voting will still be done on paper ballots. We will be accepting in-person ballot drop-offs and facilitating those wishing to Same Day Register or make changes to their current voter registration. Mr. McDougal asked if ballots are tallied as they come in. Mrs. Donaldson stated that they are not allowed to start counting ballots until three days prior to Election Day. When ballots come in the voter's signature is verified and it is marked received. As of Monday, 16% of Pershing County voters have returned their ballots.

RENE CHILDS, RECORDER-AUDITOR – Mrs. Childs stated that she would get Mr. Burke the information he needs for the FEMA grant.

Clarification of spending for Capital Expenditures in the Option Tax Fund and the Building Fund for the FY2020 and FY2021 Budget: Mrs. Childs gave the Board an updated Capital Projects list. She needs further direction regarding what projects are going to be allowed. Mrs. Childs also stated that the Option Tax Fund needs to be discussed. We are currently over budget. Mr. Rackley stated that the two additional fire trucks are on order, but the outfitting can be postponed. Mrs. Childs wanted the two Fire Chiefs to be made aware that they cannot purchase anything else. On the Capital Improvement list, the new County vehicle has also been ordered and will be delivered after July 1st. Mrs. Shank felt everything should be postponed unless it comes before the Board for approval.

Mr. McDougal made a motion that there will be no Capital Outlay expenditures for the remainder of this Fiscal Year and Fiscal Year 2021 without approval from the Commission. Motion seconded by Mr. Rackley and passed.

Mrs. Childs stated that she and Mrs. Hemp will have Fixed Asset training on Friday.

Later in the meeting, after the COVID-19 discussion, Mrs. Childs brought up the Sheriff's office vehicles in the Option Tax Fund. Mr. McDougal stated that it needs to be looked at before a decision is made on the purchase. It will be put back on the agenda as more information is available.

GARRETT KALT, 2020 CENSUS: UPDATE ON 2020 CENSUS FOR PERSHING COUNTY – Mr. Kalt participated through teleconference. 35% of Pershing County households have completed the Census. Mr. Kalt stated that the timeline has been changed to address the pandemic. Those who receive their mail at the Post Office through a P.O. Box will be reached out to directly. Packets were not mailed to P.O. Boxes. A Federal Census Worker will be going door-to-door. Every person that is counted equals \$20,000 in Federal funding.

Mrs. Shank also mentioned that a lot of people don't have internet access, but the Library will be taking appointments for computer use. Mr. Kalt also stated that a computer is available at City Hall.

ELECTED DEPARTMENTS, CONT.D:

BRYCE SHIELDS, DISTRICT ATTORNEY – Mr. Shields stated that the Karpel software conversion has gone smoothly and they are optimistic that they will be able to go-live early in July instead of September.

JERRY ALLEN, SHERIFF – Sheriff Allen reported that he is currently down 5 staff members. There are 11 inmates in custody. Today is day 3 of using the newly installed virtual inmate visitation program. This program was installed with no cost to the County and will help out greatly with logistics.

Approval to apply for DOJ grant to fund 25% of the School Resource Officer for FY 2020-21: Mrs. Shank asked if the School District has been billed for their portion. Sheriff Allen stated that he has not billed them for this year yet. Sheriff Allen also stated that when we began this was supposed to be a 5 year project. This will be our 6th year, but he was told to apply for funding again.

Mr. Rackley made a motion to approve applying for the DOJ grant to fund 25% of the School Resource Officer for FY 2020-21. Motion seconded by Mr. McDougal and passed.

Approval to apply for grants to fund Patrol Officer Vehicle computers, installation, support software equipment and other items: Sheriff Allen stated that he has tried to budget for these items the last few years, but hasn't been able to purchase them. The grant is approximately \$88,000 with no matching funds.

Mr. McDougal made a motion to approve applying for grant funds for Patrol Officer Vehicle computers, installation and software equipment as presented. Motion seconded by Mr. Rackley and passed. Sheriff Allen was reminded to make sure the Recorder-Auditor's office has copies of all the paperwork.

Approval/Acceptance of grant to purchase TruNarc Equipment, software, training and technical support: Sheriff Allen reported that the amount of this grant is \$27,687.68 and has no matching funds required.

Mr. Rackley made a motion to approve the acceptance of a grant to purchase TruNarc Equipment, software, training and technical support in the amount of \$27,687.68. Motion seconded by Mr. McDougal and passed.

Sheriff Allen also reported that he has received notice from three employees that they will be retiring by the end of the year.

TRACY NEELY AND NANETTE CHALUPA, A & H INSURANCE: PRESENTATION AND RECOMMENDATION FOR THE 2020-2021 HEALTH BENEFIT COVERAGE PLAN OPTIONS FOR PERSHING COUNTY EMPLOYEES – Mrs. Neely stated that we had a bad year regarding claims and with the pandemic it wasn't a good year to go to bid. She did reach out to Anthem for a bid and they declined. Ms. Neely stated that she will re-assess at the end of the year and see if things are looking better. Ms. Neely explained that if we stayed with our current plans, the premium increase would be 16%. She did receive a quote for alternative plans with higher deductibles, which would result in a 10% premium increase. The employees would be given the option to stay with the current plan or switch to the cheaper plan. There were no changes to the dental, vision or life benefits.

Mrs. Neely wanted to make sure that the Board was willing to change insurance plans mid-year if a rate decrease can be obtained. The Board agreed.

Mr. McDougal made a motion to accept the recommendation for the 2020-2021 Health Benefit Coverage Plan Options for Pershing County employees as presented. Motion seconded by Mr. Rackley and passed.

COVID-19 (CORONAVIRUS), DISCUSSION REGARDING ECONOMIC IMPACT AND RECOVERY FOR PERSHING COUNTY; LIFTING OF RESTRICTIONS AND STAY-AT-HOME ORDER: Mrs. Childs stated that there is another NACO (Nevada Association of County Officials) phone conference next week to hopefully provide more information on the economic impact; however, that is too late to make budget adjustments. Mrs. Childs has adjusted expected revenues. Mrs. Shank asked about CTX. Mrs. Childs stated that we received February's and it was comparable, but we haven't received any revenue for the time period effected by COVID.

Mr. McDougal stated that the Governor's emergency orders are irrelevant to our situation. Mr. McDougal read an excerpt from Ronald Reagan's March 31, 1976 "Restore America" speech.

Mr. McDougal made a motion that Pershing County send a letter to the Governor demanding he drop all emergency orders placed on the State of Nevada, but especially in the rural counties.

Mr. Rackley stated that during the Governor's speech he spoke about a committee that was appointed for the rural counties (LEAP). Mr. Rackley hasn't heard any input from that committee since.

The motion was seconded by Mr. Rackley.

Mrs. Shank stated that NACO has been working with the LEAP (Local Empowerment Advisory Panel) committee and that's how the response to Open in Phase I was completed. Mrs. Shank stated that a lot of leg work has been done to get to Phase I.

The motion carried unanimously.

Mrs. Shank also spoke about PPE (personal protective equipment). She would like Mrs. Wesner to inquire with each department regarding what PPE they need to reopen their offices.

REVIEW AND POSSIBLE IMPLEMENTATION OF NRS 288.150(5), WHICH PROVIDES FOR REOPENING NEGOTIATIONS OF COLLECTIVE BARGAINING AGREEMENTS (CBAS) OR SUSPENSION OF CBAs WITH THE PERSHING COUNTY EMPLOYEES ASSOCIATION AND THE PERSHING COUNTY LAW ENFORCEMENT ASSOCIATION DUE TO THE EXISTENCE OF A COUNTY FISCAL EMERGENCY AND/OR THE INABILITY OF THE COUNTY TO CONDUCT ITS RESPONSIBILITIES DUE TO AN EMERGENCY SITUATION CAUSED BY THE COVID-19 PANDEMIC: Mrs. Shank stated that we don't know what the economic impact will be. She feels that we should freeze any increases as of July 1st and give retro pay if able. She would rather freeze salaries now then to have to lay off employees in the future.

Mr. Shields spoke about the options available and the laws that apply. Mr. Shields stated that CBAs can be reopened if there is a fiscal emergency; however, we will not know if we have a fiscal emergency for several months. The other option is to suspend a CBA under an emergency. The CBA can only be suspended for the duration of the emergency.

Mr. McDougal stated that there is no health emergency in Pershing County, but it has turned into an economic emergency. Mr. Shields stated that the economic impact is not known at this time. Mr. McDougal stated that it has always been his opinion that reductions or suspensions in pay should be used as a last resort. Mr. Rackley stated that the Board has already made cuts to the budget, whether they are enough is yet to be seen. Mr. McDougal doesn't feel it would be right to suspend increases at this time as Pershing County isn't in an emergency.

Phillip Dickerman spoke on behalf of the Law Enforcement Association. Deputy Dickerman stated that he would like advance notice as the President of the PCLEA, of any further budget restrictions or discussions.

The meeting recessed at 10:32 a.m. and reconvened at 10:34 a.m.

KYLE SWANSON, PERSHING COUNTY CONFLICTS ATTORNEY COUNSEL:
REQUEST FOR APPROVAL TO RENEW THE CONTRACT FOR LEGAL SERVICES COMMENSURATE WITH THE PREVIOUS YEAR'S RATE OF \$52,000.00, WITH THE UNDERSTANDING THAT IF THE COUNTY IS ABLE TO PROVIDE INCREASES TO EMPLOYEES IN ACCORDANCE WITH THE CBA'S THEN THE CONTRACT WILL BE MODIFIED TO ADD A COST OF LIVING INCREASE OF 2% FOR A RENEWAL OF \$53,580.00, RETRO-ACTIVE TO JULY 1, 2020. THE RENEWAL WILL BE EFFECTIVE JULY 1, 2020 – Mr. McDougal made a motion to renew the contract for legal services with Kyle Swanson, commensurate with the previous year's rate of \$52,000, with the understanding that if the County is able to provide increases to employees in accordance with the CBA's, then the contract will be modified to add a cost of living increase of 2% for a total of \$53,580.00, retroactive to July 1, 2020. Motion seconded by Mr. Rackley and passed.

FIRST READING OF A PROPOSED ORDINANCE ESTABLISHING A SUNSET DATE AND REPEAL OF TRANSITIONAL INSURANCE PROVISIONS OF CHAPTER 2 TO THE PERSHING COUNTY CODE WHICH HAS A TITLE; PURPOSE; DEFINITIONS; TERMS AND CONDITIONS; AND OTHER MATTERS RELATING THERETO: Mr. Rackley asked why we are getting rid of this. Mrs. Shank stated that it is an unnecessary expense to the County.

Commissioner McDougal introduced Bill #341 and read it by title as follows:

AN ORDINANCE REPEALING TRANSITIONAL INSURANCE PROVISIONS OF CHAPTER 2 OF THE PERSHING COUNTY CODE WHICH HAS A TITLE; PURPOSE; DEFINITIONS; AND TERMS AND CONDITIONS; AND OTHER MATTERS PROPERLY RELATED THERETO.

DISCUSSION REGARDING PROPOSAL FROM THE NEVADA LANDS COUNCIL TO REPLACE THE INDIVIDUAL COUNTY LANDS BILLS, SUCH AS THE PERSHING COUNTY ECONOMIC AND CONSERVATION ACT, FOR A NEW LANDS BILL CREATED BY THE NEVADA LANDS COUNCIL: Sheldon Mudd, Treasurer and Founding Member of the Nevada Lands Council was present and spoke regarding the proposed bill.

Mr. McDougal stated that Congressman Amodei has introduced a Northern Nevada Lands Package, which includes the Pershing County Lands Bill. This package would be included in the Defense Authorization Act and addresses issues that we have had with the Fallon Naval Air Station Expansion. Mr. McDougal feels that the lands should be deeded to the State, not individual counties as that creates a tremendous liability. It also puts the County in the real estate business, which we do not want. Mr. McDougal stated that he cannot support the Nevada Lands Council at this time.

Mrs. Shank stated that this Board, current and previous, worked very hard on putting together the Pershing County Economic Development and Conservation Act. She would like to see our bill passed. Mr. Rackley agreed.

Mr. McDougal stated that if Congressman Amodei's proposed bill doesn't pass, and Nevada Lands Council wanted to incorporate our bill in its entirety, we would be willing to look at it again. Mr. Mudd stated that portions of Pershing County's bill was incorporated.

Alan Freemyer spoke over the phone. Mr. Freemyer stated that he doesn't disagree with Mr. Mudd regarding what should have happened historically; however, a consensus is necessary. Congressman Amodei's legislation has this consensus.

Carl Clinger, local rancher, Conservation District Supervisor and concerned citizen, stated that he is strongly opposed to changing support from the Pershing County Economic Development and Conservation Act to the Nevada Lands Council bill. The Pershing County bill is self-funding.

Pat Irwin, previous County Commissioner, thanked the Board for their comments and agrees with their stance.

Mr. McDougal wanted it to be clear that the Board is not taking a position against the Nevada Lands Council, but feels the County needs to continue supporting their current bill.

Mr. Mudd appreciated the Boards time.

FIRST READING OF A PROPOSED ORDINANCE AMENDING THE LANGUAGE FOR INSURANCE BENEFITS / PREMIUMS / ACCRUAL RATE FOR VACATION AND SICK LEAVE FOR ELECTED / NON-ELECTED PERSONNEL AND OTHER MATTERS RELATING THERETO: Mr. McDougal introduced Bill #342 and read it by title as follows:

AN ORDINANCE AMENDING TITLE TWO, CHAPTER 2.40 OF THE PERSHING COUNTY CODE BY MODIFYING THE DEFINITION OF UNCLASSIFIED EMPLOYEES UNDER 2.40.010; DELETING THE TERM "APPOINTED OFFICIAL" FROM CHAPTER 2.40; AND ADDING 2.42.100 TO PROVIDE THAT THE COUNTY'S PAYMENT OR CONTRIBUTION OF THE COST OF INSURANCE PREMIUMS FOR ELECTED OFFICIALS AND UNCLASSIFIED EMPLOYEES WILL BE ESTABLISHED BY RESOLUTION OF THE PERSHING COUNTY BOARD OF COMMISSIONERS, AS REQUIRED FROM TIME TO TIME.

GRASS VALLEY ADVISORY BOARD: The Grass Valley Advisory Board submitted an update by email.

DERBY FIELD AIRPORT: Mr. Rackley stated that he is waiting for a start date for the fencing project. The Airport Board met, but didn't have a quorum. They are working on wording for the new signage for the gate. Once the wording is finalized the Road Department will order them. Mrs. Childs asked if this expense would hit prior to July 1st. Mr. Rackley stated the cost will be approximately \$250 and will be invoiced after July 1st.

The meeting recessed for a Litigation meeting at 11:29 a.m. and reconvened at 11:53 a.m.

REPORT FROM LEGAL COUNSEL: Mr. Shields reported that he received the easement in perpetuity for the Unionville Cemetery Road. He was also told that the Patent has been sent to the Solicitors to draft.

REPORT FROM ADMINISTRATIVE ASSISTANT / HR REP: Mrs. Wesner stated that she has been handling different HR problems. She is almost finished with the updates to the personnel policies. Mrs. Wesner also had a concern about the leave accrual bill and will work with Mr. Shields.

ITEMS FOR FUTURE AGENDAS: Mr. Rackley stated that the annual contract for the maintenance on Toulon Peak will need to be on the next agenda.

CORRESPONDENCE: There was no additional correspondence to review.

MATTERS OF THE BOARD FOR DISCUSSION, BOARD MEMBER REPORTS, BOARD LIAISON REPORTS: Mr. McDougal stated that there is a teleconference for the Central Nevada Regional Water Authority on June 12th.

Mr. Rackley stated that Debra Campbell, the new Senior Center Director, is aware that she is also the Volunteer Coordinator. The technician inspected the TV equipment last week and made some adjustments. Mr. Rackley also reported that the Recycling Center is open.

Mrs. Shank did not have anything to report.

PUBLIC INPUT: Kathie Brinkerhoff spoke over the phone about someone who lives in Fallon, but works in Lovelock having tested positive for COVID-19. Mr. McDougal asked that unsubstantiated rumors not be spread. It was also noted that our Emergency Management report still shows zero cases for Pershing County.

APPROVAL OF VOUCHERS: Mr. McDougal made a motion to approve the vouchers as submitted. Motion seconded by Mr. Rackley and passed.

As there was nothing further to come before the Board, the meeting adjourned at 12:06 p.m.

Approved 07/01/20: _____ /s/
Carol Shank, Chairwoman

Attest: _____ /s/
Lacey Donaldson, Clerk