

The Honorable Board of Lyon County Commissioners met this day, Thursday, February 03, 2022, at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

## 1. Roll Call

Present: Ken Gray, Wes Henderson, Robert Jacobson, and Dave Hockaday  
Via Zoom: Vida Keller

Staff: District Attorney Steve Rye and County Manager Jeff Page

## 2. Invocation given by Mitch Forster of the Mason Valley Southern Baptist

Mitch Forster gave the invocation.

## 3. Pledge of Allegiance

## 4. Public Participation

Jim Kinninger reported at the Smith Valley Advisory Board, it was announced there will be a presentation from Hudbay Mine. There should be more public comment and input in this process prior to a Lands Bill. He gave his concern of Hudbay Mine and the impacts from it.

Elaine St. John gave her concern of the election process and referenced this County Ordinance:

### **7.02.04: POLITICAL SIGNS:**

*A. Time Limits: Political signs may be erected no more than sixty (60) days before a primary election and shall be removed by the candidate within thirty (30) days after the applicable election.*

She stated it's a concern with the time frame of 60 days to mail in ballots 45 days prior to an election, and gave her recommendation to change the language.

## 5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to approve the agenda as presented. Comm. Jacobson seconded and the motion passed 5-0.

## 6. Time Certain

**6.a. Time Certain at 10:00 A.M: For Possible Action: Presentation, discussion and direction to the County Manager to assist the City of Fernley with negotiations, litigation in regards to the Bureau of Reclamations plans to line the TCID Canal with concrete. (Requested by Commissioner Jacobson)**

Jeff Page gave an overview of the challenges the City of Fernley faced with the flood.

City Manager Daphne Hooper gave an introduction of the impacts and water resources.

Special City Attorney David H. Rigdon, Esq. gave a presentation of the geographical water areas, Truckee Canal background, the 2008 canal breach, Development of Environmental Impact Study (EIS), Fernley's issues with EIS, the fundamental problem – loss of recharge, legal issues, judicial review – EIS sufficiency, declaratory relief complaint, legal basis of right to continued recharge, and the litigation status. He requested a letter of support.

Comm. Keller questioned if there is a need for the County to offer more support to aid in their situation.

Attorney David H. Rigdon answered there isn't a need for the County at this time, in the future at the Ninth Circuit there may be that need.

Comm. Jacobson is in favor of a letter of support. He asked what the additional construction costs of the canal will be. He asked for clarification with the well users.

Attorney David H. Rigdon answered the estimated cost is \$135 million dollars. The well users have no continued right to it.

Comm. Henderson is in support of the letter.

Comm. Keller moved to direct the County Manager to assist the City of Fernley with negotiations and litigation in regards to the Bureau of Reclamation's plans to line the TCID Canal with concrete. To direct