

The Honorable Board of Lyon County Commissioners met this day, Thursday, April 20, 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.

Via Zoom: None

Absent: None

Staff Present: County Manager Andrew Haskin, District Attorney Steve Rye, and Comptroller Josh Foli.

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

Mitch Forster gave the invocation.

3. Pledge of Allegiance

4. Public Participation

There was no response to the call for public comment.

5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to adopt the agenda, moving item 7.a. in front of time certain, and moving item 6.b. in front of 6.a.

There was no response to the call for public comment.

Comm. Hendrix seconded, and the motion passed 5-0.

6. Time Certain

6.a. Time Certain at 9:15 A.M: For Presentation & Update Only: General Manager Bert Bryan with Walker River Irrigation District to give a report on current and forecasted Walker River conditions.

General Manager Bert Bryan with Walker River Irrigation District gave a report on current and forecasted Walker River conditions, and advised there will be another update given at the Town Hall Meeting on April 25, 2023 at 5:30 p.m.

There was no response to the call for public comment.

6.b. Time Certain at 9:15 AM: For Possible Action: Approve plans for employee health, dental, vision, and life insurance coverage effective July 1, 2023, and authorize the Comptroller to sign associated contracts.

This item was presented before item 6.a.

Comptroller Josh Foli gave recommendation from the insurance committee to move forward with Cigna and explained the changes made to plans. Mr. Foli stated the figures also include the previous recommendation to increase dependent coverage from 30% to 50%, and that dental, vision, and life plans have no change in coverage or carriers.

There was no response to the call for public comment.

Comm. Henderson expressed interest in what the change in dependent coverage will cost the county. Mr. Foli stated dependent coverage currently costs \$341,000 countywide at existing usage, but acknowledged that increasing the benefit may increase utilization.

Comm. Henderson moved to approve plans for employee health, dental, vision, and life insurance coverage effective July 1, 2023, and authorize the Comptroller to sign associated contracts.

Comm. Keller seconded, and the motion passed 5-0.

6.c. Time Certain at 9:30 A.M: For Possible Action: Determine whether to uphold or reject the Rolling 'A' Wastewater Treatment Facility - Phase 4 Expansion Project Bid Protest submitted by Farr Construction Corporation dba Resource Development Company. (David Bruketta and Philip Mannelly with McDonald Carano representing Resource Development Company)

David Bruketta presented details referenced in the summary (as attached to the agenda) of series of events relating to the Rolling 'A' Wastewater Treatment Facility - Phase 4 Expansion Project Bid Protest submitted by Farr Construction Corporation dba Resource Development Company.

Philip Mannelly (legal counsel with McDonald Carano, representing Resource Development Company), gave a presentation outlining his legal opinion, and requested the bid protest be upheld.

Comm. Hockaday asked for public participation.

Walt Johnson, President of KG Walters Construction, argued against awarding of the bid to Farr Construction and requested that the bid be awarded to KG Walters or that all bids are rejected.

Comm. Keller motioned to uphold the bid protest as presented.

Comm. Hendrix seconded, and the motion passed 5-0.

6.d. Time Certain at 9:30 A.M: For Possible Action: Award a contract to Farr Construction Corporation, dba Resource Development Company or K.G. Walters

Construction Company for constructing the Rolling 'A' Wastewater Treatment Facility - Phase 4 Expansion Project. (David Bruketta)

David Bruketta recommended to award contract to RDC.

Comm. Henderson asked if a force account is a contingency account, which David Bruketta confirmed.

Commissioners expressed concerns that the penalty for delays appears low at \$1,200.00 per day. Utilities Engineer Kishora Panda agreed the amount is low but standard for punitive damages, and that the project timeline has been extended from 34 to 38 months to allow a buffer.

Comm. Hockaday asked for public participation.

Russ Wright from Dayton stated he wants assurances of material supply due to critical supply shortages elsewhere in other projects and that there should be a clause to purchase necessary materials early in the project.

Dave Backman with KG Walters expressed his opinion that experience speaks for itself, and gave a brief summary of relevant experience.

Comm. Henderson asked Dave Backman why a bid protest was not filed, on the 2nd bid within the 5 days. Mr. Backman responded that in hindsight, they made a mistake.

Philip Mannelly gave his legal opinion that the previous comments should be excluded from consideration.

Comm. Hockaday requested a motion, but no motion was made.

Comm. Hockaday made a motion to Award a contract to Farr Construction Corporation, dba Resource Development Company for constructing the Rolling 'A' Wastewater Treatment Facility - Phase 4 Expansion Project.

Comm. Keller seconded. Comms. Jacobson, Henderson, and Hendrix voted nay, and the motion failed 2-3.

Comm. Keller asked what the consequences are if the motion fails.

David Bruketta responded that in the bid documents, the contract must be awarded w/in 60 days.

District Attorney Steve Rye reminded the Board that Section 338 outlines the requirements of a low-bid process, that not awarding a contract would affect funding among other things, and asked that they consider that.

Comm. Hockaday clarified that the contract should be awarded to the lowest responsible and responsive bidder, which Steve Rye confirmed was the reading by the District Attorney's Office, and the recommendation from DOWL and the Utilities Department.

Comm. Jacobson asked for alternatives on how the Board can proceed. Steve Rye stated the Board could rescind the motion and action, take no further action, or against recommendation of Staff and DOWL award the contract to KG Walters.

Comm. Hendrix moved to reconsider, and Comm. Keller seconded. The motion passed 5-0.

Comm. Hockaday asked for additional comment.

Comm. Henderson asked for clarification of the 60 days.

David Bruketta advised that the 60 days started with the February 28, 2023 bids, and that this is the last meeting to meet the 60-day requirement.

Comm. Hockaday reread the motion for reconsideration, and Comm. Jacobson seconded.

There was no response to the call for public comment.

Walt Johnson restated that the 3rd option is to reject all bids, and gave his opinion that the Board is being backed into a corner.

Philip Mannelly restated his legal opinion that the bid be awarded to the lowest responsible and responsive bidder.

David Bruketta clarified that the \$1,200.00 per day delay penalty is a typical engineering standard recommendation and is not abnormal.

Dave Backman stated that KG Walters brought to the County's attention the complexity of the job and stated the job timeframe was restructured based on KG Walter's information.

There was no response to the call for public comment.

Comm. Henderson voted nay, and the motion passed 4-1.

10:28 a.m. The Board recessed.

10:37 a.m. The Board reconvened with all members present.

7. Presentation of awards and/or recognition of accomplishments

7.a. For Presentation Only: Award Deputy Brian Kharri with the Lyon County Sheriff's Office Meritorious Service Award.

This item was presented before Time Certain Items.

After describing the event, which occurred at the Pilot gas station in Fernley on August 4th, 2022, Sheriff Brad Pope awarded the Lyon County Sheriff's Meritorious Service Award to Deputy Brian Kharri for his actions.

8. Commissioners/County Manager reports

Comm. Hendrix attended the Comstock Historical District Meeting and the Carson Water Sub-conservancy District Meeting.

Comm. Henderson stated he has been busy with Legislative meetings and gave a brief update on some bills having died after the first deadline. He also attended the Carson Area Metropolitan Planning Organization Meeting and the Silver City Advisory Board Meeting.

Comm. Keller attended NACo board meetings, NACo Legislative Committee, and the Senate Rural Caucus.

Comm. Jacobson attended the Fernley City Council Meeting. He co-hosted a career fair at Fernley High School and thanked Human Services, the D.A.'s Office, Sheriff Pope, and over 50 vendors/trades/colleges/businesses.

Comm. Hockaday has received phone calls about Pete Henrichs Road. He reported that while working at the range, he heard an explosion when a trailer tire hit a hole that was approximately 12 inches deep. He gave his opinion that something definitely needs to be done about the road.

County Manager Andrew Haskin has been tracking Legislature, is still updating his list after last week's deadline, and will be receiving an update at the Legislative Coalition Meeting. Comptroller Josh Foli asked Mr. Haskin to advise the Board that the chutes for the Fairgrounds are coming in this weekend, which will be about \$100,000, which was approved from ARPA funds last year. He also stated work is being done on finalizing the conceptual design for the Fernley Justice Court redesign, and will discuss the Pete Henrichs Road situation with Dustin Homan. Andrew Haskin mentioned the Town Hall Meeting on April 25, 2023 at 5:30 p.m. at Yerington City Hall where information will be given regarding potential flooding impacts, river conditions, and preparation information.

Comm. Hockaday questioned what the County is doing regarding spending contingency money based on the possibility that the Feds may reclaim undesignated ARPA funds. Andrew Haskin confirmed that is a possibility, which is being tracked, and that there is an agenda item today to designate some contingency funds.

Comm. Henderson mentioned Amendment 81 introduced by Rick Scott, and advised that the National Association of Counties and the Public Lands Steering Committee sent out an action alert asking everyone to contact their senators to oppose Senator Rick Scott's Amendment 81.

9. Elected Official's reports

Sheriff Brad Pope reported the missing woman from Stagecoach was found in a ravine alive, suffering from extreme hypothermia, and is expected to recover. Sheriff Pope gave kudos to search and recovery, and investigators. He reported an agreement has been made with the school district regarding zero tolerance to crimes, and several students have been arrested for crimes committed. Mr. Pope also stated the importance of making a show of support for graduates of WNRYS (Western Nevada Regional Youth Center) for completing the program.

Comm. Keller reported the Commissioners are unable to attend because the graduations fall on the same day as meetings.

Comm. Jacobson commended the officers that attended the career fair.

Comm. Hockaday appreciated the public emails and phone call communications regarding missing persons.

10. Appointed Official's reports

There was no response to the call for Appointed Official's reports.

11. Advisory Board reports

There was no response to the call for Advisory Board reports.

CONSENT AGENDA

Comm. Henderson requested to pull items 13.d., 13.g., and 13.h. for discussion, and Comm. Jacobson requested to pull items 13.b. and 13.c. for discussion.

There was no response to the call for public comment.

On motion by Comm. Keller, seconded by Comm. Henderson, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 12.a. – 15.d, (with items 13.b., 13.c., 13.d., 13.g., and 13.h. pulled for discussion) be approved. Any and all Resolutions pertinent to Consent Agenda Items 12.a. – 15.d, are attached hereto and made a part of the minutes thereof.

12. For Possible Action: Approve County Commission Minutes

12.a. For Possible Action: Approve the April 6, 2023 Minutes

12.b. For Possible Action: Approve the April 10, 2023 Minutes.

13. Contracts

13.a. For Possible Action: Approve agreement with Circle P Rodeo Company and Nathan Pudsey, Lyon County and The Boys and Girls Club of Mason Valley for the bull riding at the Night in the Country.

13.e. For Possible Action: Approve a contract with the low qualified bidder, Desert Engineering, Inc., in the amount of \$179,042.00 for the Lyon County Fairgrounds Drainage and Pavement Project and authorize additional \$25,000 in American Rescue Plan Act funding to complete this project.

13.f. For Possible Action: Approve a Memorandum of Understanding between the Lyon County School District and the Lyon County Sheriff's Office for the County to provide three School Resource Officers and the School District to provide up to \$360,000 in funding for the 2023-24 school year.

14. Grants

14.a. For Possible Action: For Possible Action: Accept grant award amendment from State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for Forensic Assessment Services Triage Team (FASTT) program, which moves \$16,000 from contracts to personnel.

15. Other Consent Items

15.a. For Possible Action: Approve critical labor shortage designation for the Juvenile Probation Community 4 Service Worker position.

15.b. For Possible Action: Approve accepting community charity donations for the Sheriff's Office, which would include the "Shop with a Sheriff" program.

15.c. For Possible Action: Review and accept claims and financial reports.

- Cash Report 3-31-23

- Claims Report 3-16-23 to 3-31-23

-Lyon County Quarterly Financials 3-31-23

The cash balance as of March 15, 2023, was \$116,588,389.57. County claims totaled \$2,435,849.97 and payroll totaled \$1,107,006.88.

15.d. For Possible Action: Review and accept travel claims.

- Travel Report 3-16-23 to 3-31-23

Travel Claims for March 15 totaled \$6,721.41.

13.b. For Possible Action: Approve a Settlement Agreement between the State of Nevada and participating entities and CVS, dated March 2, 2023, and the Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

Comm. Jacobson asked District Attorney Steve Rye how much say the County has in the spending of the funds from the settlement.

Steve Rye gave a brief history of the NV1 agreement. He stated Shayla Holmes, Director of Lyon County Human Services, created a program regarding a plan for the funds. He also clarified that the use of funds is limited to the scope of what is presented in the agreement.

Ms. Holmes explained that the agreement provided a specific document, which identified uses. As part of a requirement to access State Funds through grant writing, an opioid misuse plan was also created.

Comm. Jacobson questioned wording in the agreement regarding how much the total attorney fees are.

Richard Hy, outside council to Lyon County for the Nevada opioids Litigation, clarified that in the CVS settlement, the attorney's fees and costs will be paid by outside council and will not be deducted from the \$151 million with the exception of the common benefit fund. However, Mr. Hy also stated that in the Allergan settlement (which is part of a separate agenda item), no costs will be deducted from that sum because an agreement was not reached with outside council, but did not have specific figures on hand for the total attorneys' fees and costs.

There was no response to the call for public comment.

Comm. Jacobson made a motion to approve a Settlement Agreement between the State of Nevada and participating entities and CVS, dated March 2, 2023, and the Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

Comm. Keller seconded, and the motion passed 5-0.

13.c. For Possible Action: Approve a Settlement Agreement dated February 16, 2023, with Allergan Finance, LLC, Allergan Limited, Allergan USA, Inc., and Allergan, Inc. ("Allergan") and Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

Comm. Henderson asked for clarification as to how much the County is actually getting, and Richard Hy clarified the information presented on the allocation chart.

There was no response to the call for public comment.

Comm. Henderson motioned to approve a Settlement Agreement dated February 16, 2023, with Allergan Finance, LLC, Allergan Limited, Allergan USA, Inc., and Allergan, Inc. ("Allergan") and Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

Comm. Jacobson seconded, and the motion passed 5-0.

13.d. For Possible Action: Approve a two year contract with Mobile APP to provide information from the Sheriff's Office and Emergency Management to the public and reverse 911 services in the amount of \$19,578.50 the first year and \$7,995 the second year and authorize a budget transfer from the General Fund contingency for the first year's funding.

Comm. Henderson questioned whether this app will be used by just the Sheriff's Office or if other County departments will use it also.

County Manager Andrew Haskin reported that the current system, Code Red, is available to Emergency Management and Utilities in the case of emergency and this app will be used similarly.

Comm. Henderson questioned why this is not contracted with the county instead of the Sheriff's Department.

Sheriff Brad Pope explained that a unique feature of this app was to include other departments; for example, Emergency/Communications Manager Taylor Allison will be an administrator and has function in app.

Comm. Henderson asked if this is funded through the 911 surcharge, and Sheriff Pope explained that \$11,000 is what Emergency Management pays toward Code Red (which has been failing recently, and will expire soon), but that he's not sure how the \$11,000 is funded.

Comm. Jacobson wanted to clarify that this contract will actually save the county \$3,000 per year, which Sheriff Pope confirmed. Sheriff Pope also explained that an Amber Alert is different, but Amber Alerts, Silver Alerts, and others can be put out through the app when a Code Red is not appropriate. Based on feedback from County Residents, the people want access to the alerts without relying on social media. Sheriff Pope also reported that the app does not have cellular device or location tracking capabilities.

Emergency/Communications Manager Taylor Allison provided information relating to interoperability of Code Red and the fact that it is landline based and requires opting-in.

There was no response to the call for public comment.

Comm. Henderson motioned to approve a two year contract with Mobile APP to provide information from the Sheriff's Office and Emergency Management to the public and reverse 911 services in the amount of \$19,578.50 the first year and \$7,995 the second year and authorize a budget transfer from the General Fund contingency for the first year's funding, and to authorize the sheriff to sign necessary documents.

Sheriff Pope also noted that payment for services will be made after July 1, 2023 so that it does not affect the current budget cycle.

Comm. Jacobson seconded, and the motion passed 5-0.

13.g. For Possible Action: Approve a contract with McGinley & Associates for an amount not to exceed \$49,525 to conduct baseline surveys on a proposed Right-of-Way for a future water line located on BLM land between Dayton and Stagecoach to be funded from a budget transfer from General Fund contingency. (David Bruketta)

Comm. Henderson questioned whether the repayment of funds would go back into the General Fund.

Utilities Director David Bruketta provided a brief history of the plan to move a water line, and explained that this contract is the first step to get required surveys completed.

There was no response to the call for public comment.

Steve Hartman with Vidler Water Company commented that the required field surveys need to be done while meeting the seasons for the animal and plant subjects.

Comm. Henderson motioned to approve a contract with McGinley & Associates for an amount not to exceed \$49,525 to conduct baseline surveys on a proposed Right-of-Way for a future water line located on BLM land between Dayton and Stagecoach to be funded from a budget transfer from General Fund contingency with the understanding that the money will be reimbursed into contingency.

Comm. Jacobson seconded, and the motion passed 5-0.

13.h. For Possible Action: Approve a Cost Reimbursement Agreement with the Bureau of Land Management, Sierra Front Field Office, for an amount not to exceed \$27,000 for reimbursement costs incurred to process a right-of-way application for a water main between Dayton to Stagecoach to be funded from a General Fund contingency budget transfer. (David Bruketta)

There was no response to the call for public comment.

Steve Hartman recommends approving this ASAP.

Comm. Jacobson motioned to approve a Cost Reimbursement Agreement with the Bureau of Land Management, Sierra Front Field Office, for an amount not to exceed \$27,000 for reimbursement costs incurred to process a right-of-way application for a water main between Dayton to Stagecoach to be funded from a General Fund contingency budget transfer.

Comm. Henderson seconded, and the motion passed 5-0.

11:37 p.m. The Board recessed.

12:30 p.m. The Board reconvened with all members present.

****END OF CONSENT AGENDA**.**

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

16. Advisory Board

16.a. For Possible Action: For Possible Action: Approve to change the meeting day and time of the Smith Valley Advisory Board to the first Wednesday of the month at 6:00 p.m., or to ask the Smith Valley Advisory Board to revisit the item and request a different day and/or time..

County Manager Andrew Haskin asked the Board to consider the fact that if he needs to present an item to all 3 County Advisory Boards, there would be 3 meetings to attend, and it would take three months to get an item approved, but also mentioned that that situation wouldn't occur very often.

Comm. Jacobson commented that it is important to consider what works for the Smith Valley Advisory Board. He also asked if Smith Valley has Zoom, to which Comm. Hockaday responded that they are close to having Zoom capability.

Comm. Jacobson suggested that to support the City Manager, the Board of Commissioners should make it known that they support county staff attending Advisory Board meetings by Zoom.

Comm. Keller gave his opinion that the Advisory Boards can do what works best for them, but that he would not be able to attend, and that changing the time to 6:00 p.m. may cut into other fieldwork.

Comm. Henderson gave his opinion that the Board of Commissioners needs to support the Advisory Boards and should try it, because it can be revisited later if it needs to be changed. He also would like to see all of the Boards have Zoom capabilities.

There was no response to the call for public comment.

Comm. Jacobson made a motion to approve to change the meeting day and time of the Smith Valley Advisory Board to the first Wednesday of the month at 6:00 p.m.

Comm. Henderson seconded, and the motion passed 5-0.

16.b. For Possible Action: Appoint a member to the Smith Valley Advisory Board, with a term expiring December 31, 2024.

County Manager Andrew Haskin pointed out late backup available (an application from Michael Weiss).

Commissioners paused to read the late backup.

Comm. Jacobson questioned if the Smith Valley CAB gave a suggestion or guidance for who to recommend, to which Comm. Hockaday said there was no recommendation.

There was no response to the call for public comment.

Comm. Hockaday made a motion to appoint Wendy Loomis to the Smith Valley Advisory Board, with a term expiring December 31, 2024.

Comm. Henderson seconded, and the motion passed 5-0.

17. County Manager

17.a. For Possible Action: Approve to cancel or reschedule the July 20th Board of Commissioners meeting due to the National Association of Counties Annual Conference, July 21st - 24th.

County Manager Andrew Haskin stated that three commissioners are attending the conference, so he recommends cancelling the meeting as opposed to rescheduling.

Jacobson asked if the motion could be left open-ended.

Mr. Haskin advised that the meeting could just be scheduled as a special meeting, but deferred to the Board's judgement.

Comm. Henderson and Hockaday gave their opinions that the meeting be cancelled to avoid ambiguity.

There was no response to the call for public comment.

Comm. Jacobson made a motion to approve to cancel the July 20th Board of Commissioners meeting due to the National Association of Counties Annual Conference, July 21st - 24th.

Comm. Hendrix seconded, and the motion passed 5-0.

17.b. For Possible Action: Approve a resolution in support of the Historic Routes Preservation Act. (Requested by Comm. Hockaday)

Andrew Haskin gave a historical background for the right of ways.

Comm. Hockaday read the resolution into record.

Comm. Henderson stated that similar bills never pass Congress for political reasons but that some Senators are willing to introduce the bill and are working to make it bipartisan. He explained that part of this Resolution is to show support for Senators' proactive Legislative actions to make it easier to title roads.

Commissioners and County Manager discussed what this Resolution allows or requires.

There was no response to the call for public comment.

Comm. Henderson made a motion to approve a resolution in support of the Historic Routes Preservation Act.

Comm. Jacobson seconded. and the motion passed 5-0.

17.c. For Possible Action: Approve a Memorandum of Agreement between Lyon County and Robert K. Weidner for representation regarding the Historic Routes Preservation Act, from March 1, 2023 to December 31, 2023, in the amount of \$7,500.00 to be transferred from Contingency. (Requested by Comm. Henderson)

Comm. Henderson explained Robert Weidner has a lot of public lands litigation experience, is a subject matter expert, will continue working on the issue to the benefit of the County whether or not the County pays anything. He also gave his opinion that the \$7,500.00 is an equitable per city contribution.

Comm. Keller asked if the Federal Lobbyists are handling this. Andrew Haskin responded that direction has not been provided to lobbyists regarding this.

Comm. Keller also gave his opinion that he does not support paying for what is being done anyway, and that it can be considered in future budgeting. He supports the effort, but not the cost.

There was no response to the call for public comment.

Comm. Henderson made a motion to approve a Memorandum of Agreement between Lyon County and Robert K. Weidner for representation regarding the Historic Routes Preservation Act, from March 1, 2023 to December 31, 2023, in the amount of \$7,500.00 to be transferred from Contingency.

Comm. Hockaday seconded.

Comms. Jacobson, Keller, and Hendrix voted Nay, and the motion failed 2-3.

18. Other

18.a. For Possible Action: Approve, deny or amend a Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-06.

County Manager Andrew Haskin explained this motion to terminate the March resolution is because the State's Declaration of Emergency only went to the end of March. He also explained that if there were further issues like flooding, the County would have to end the last declaration and make a new one when necessary.

Emergency/Communications Manager Taylor Allison gave further clarification that the Presidential declaration that the Governor's Office signed had an end date of 03/31/23, so it is cleaner for tracking to have two separate resolutions.

There was no response to the call for public comment.

Comm. Keller made a motion to approve Resolution 23-11 of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-06.

Comm. Hendrix seconded and the motion passed 5-0.

18.b. For Possible Action: Approve FY 2023-2024 Plan for the Provision of Indigent Defense Services.

Andrew Haskin stated this is a required plan that needs to be submitted to the State.

There was no response to the call for public comment.

Comm. Keller made a motion to approve FY 2023-2024 Plan for the Provision of Indigent Defense Services.

Comm. Jacobson seconded and the motion passed 5-0.

18.c. For Possible Action: Approve agreements with Walther Law Offices, PLLC to provide indigent defense services in the City of Yerington and City of Fernley municipal courts effective 5/1/2023, and approve a resolution adopting cooperative agreements to pass the costs of all indigent defense services in the municipal courts through to the cities in accordance with state law.

There was no response to the call for public comment.

Comm. Jacobson made a motion to approve the agenda item as presented, which stated: “Approve agreements with Walther Law Offices, PLLC to provide indigent defense services in the City of Yerington and City of Fernley municipal courts effective 5/1/2023, and approve a resolution adopting cooperative agreements to pass the costs of all indigent defense services in the municipal courts through to the cities in accordance with state law.”

The Deputy Clerk requested language specification regarding City of Yerington, City of Fernley, and Walther Law Offices, and Comm. Jacobson agreed with the change.

Comm. Henderson seconded, and the motion passed 5-0.

18.d. . For Possible Action: Award the bid for the Lyon County District Court - Courthouse Remodel project to the lowest responsive and responsible bidder, Pellet Construction, LLC, in the amount of \$9,189,573 and authorize the County Manager to sign change orders cumulatively up to 5% of the awarded amount.

County Manager Andrew Haskin stated the architect recommended a 5-10 % contingency on change orders.

Comm. Henderson gave his opinion that he does not support anyone signing up to 5% change order on a \$9 million project.

Commissioners and Facilities Director Doug Homestead discussed known and potential change orders that may and will occur during the scope of the project. Mr. Homestead stated he would want a minimum \$50,000 limit on change orders that the County Manager can sign.

Doug Homestead also clarified Comptroller Josh Foli wrote the agenda item, and supports the motion as written.

Comm. Hendrix asked why the County does not own the drawings, to which Andrew Haskin and Comm. Keller explained this is typical of drawings as copy written work of the architect.

There was no response to the call for public comment.

Comm. Jacobson made a motion to award the bid for the Lyon County District Court - Courthouse Remodel project to the lowest responsive and responsible bidder, Pellet Construction, LLC, in the amount of \$9,189,573 and authorize the County Manager to sign change orders cumulatively up to 5% of the awarded amount.

Comm. Keller seconded.

Comm. Henderson voted Nay, and the motion passed 4-1.

19. Agenda Requests

Comm. Henderson requested an update for the Carson River similar to the one received for the Walker River.

Comm. Hockaday directed the County Manager to agendize an item for discussing Planning Commission Appointments and to whether presentations will be allowed. He gave his opinion that he'd like to see in policy that everyone who applies gets the opportunity to speak in front of the Commission. Comm. Hockaday would also like to have a presentation by the Battleborn Youth Challenge Academy.

20. Commissioner Comments

Comm. Henderson acknowledged 4/20.

Comm. Hockaday gave notice of a NACo conference 2023 to be held September 26 through September 28 in Elko and gave a reminder of the flooding discussion at Yerington City Hall on April 25, 2023.

Andrew Haskin notified the Commissioners that the County did switch agenda software and that the format of agenda will be slightly different.

21. Closed Session

There was none.

22. Public Participation

There was no response to the call for public comment.

23. Adjourn

Comm. Hockaday adjourned the meeting at 1:27 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

DAVE HOCKADAY, Chairman

ATTEST

STACI LINDBERG, Lyon County Clerk/Treasurer