



**LYON COUNTY BOARD OF COUNTY COMMISSIONERS  
THURSDAY, APRIL 20, 2023**

**9:00 AM**

**LYON COUNTY ADMINISTRATIVE COMPLEX  
27 S. MAIN STREET  
YERINGTON, NV 89447**

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/83368686463?pwd=ZlVGaWFOT3pGUjJPWWV0VmZRQ0N5dz09>**

**Meeting ID: 833 6868 6463 / Passcode: 896135**

**Mobile: 1-253-215-8782 / 1-346-248-7799**

**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](mailto: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 Mitch Forster of the Mason Valley Southern Baptist**

**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 9:15 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.
- 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.
  - [Board of Commissioner Insurance Packet](#)
- 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)
  - [RDC Rolling A Presentation](#)
  - [Exhibit A](#)
  - [Exhibit B](#)
  - [Exhibit C](#)
  - [Exhibit D](#)
  - [Exhibit E](#)
  - [Exhibit F](#)
  - [Exhibit G](#)
  - [Exhibit H](#)

- 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)
- [RDC Notice of Award and Contract](#)
  - [KG Walters Notice of Award and Contract](#)

## **7. Presentation of awards and/or recognition of accomplishments**

- 7.a. For Presentation Only: Award Deputy Brian Kharrl with the Lyon County Sheriff's Office Meritorious Service Award.
- [Recommendation Letter](#)

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

- 12.a. For Possible Action: Approve the April 6, 2023 Minutes.
- [April 6, 2023 Minutes](#)
- 12.b. For Possible Action: Approve the April 10, 2023 Minutes.
- [April 10, 2023 Budget 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.
- [Bull Riding Contract - Night in the Country](#)
- 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.
- [CVS Settlement Participation Form](#)
  - [Email from Attorney General's Office re: Allergan and CVS Settlement](#)
  - [CVS Participation form](#)
  - [CVS-Nevada Settlement Agreement Term Sheet and Exhibits](#)
  - [CVS Settlement Allocation](#)
- 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.
- [Allergan Exhibit K Settlement Signature Form](#)
  - [Attorney General's Office Email re: Settlements with Allergan and CVS](#)

- [Allergan-Nevada Opioid Settlement Term Sheet and Exhibits](#)
- [Allergan Settlement Allocation for Nevada](#)

- 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.
- [Mobile App Agreement with Sheriff's Office](#)
- 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.
- [Recommendation to Award](#)
  - [Project Bid Tabulation](#)
  - [Fairgrounds Bid Results](#)
  - [Contract with Desert Engineering for Fairgrounds Drainage and Pavement 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.
- [MOU with the Sheriff's Office and Lyon County School District](#)
- 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)
- [NEPA contract with McGinley & Associates](#)
- 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)
- [Agreement with BLM](#)

#### **14. Grants**

- 14.a. 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.
- [FY23 Forensic Assessment Services Triage Team Agreement Amendment 1](#)

#### **15. Other Consent Items**

- 15.a. For Possible Action: Approve critical labor shortage designation for the Juvenile Probation Community Service Worker position.
- [Critical Labor Shortage - Community Service Worker Findings](#)
- 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](#)
- 15.d. For Possible Action: Review and accept travel claims.

- [Travel Report 3-16-23 to 3-31-23](#)

**\*\*END OF CONSENT AGENDA\*\***

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

## **16. Advisory Board**

- 16.a. 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.
  - [Letter of Transmittal](#)
  - [Advisory Board Meeting Schedule](#)
- 16.b. For Possible Action: Appoint a member to the Smith Valley Advisory Board, with a term expiring December 31, 2024.
  - [Wendy Loomis, Application](#)
  - [Michael Palmer, Application](#)

## **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.
- 17.b. For Possible Action: Approve a resolution in support of the Historic Routes Preservation Act. (Requested by Comm. Hockaday)
  - [Resolution Historic Routes Preservation Act](#)
  - [Congressional BILL](#)
- 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)
  - [MOA with Robert K. Weidner](#)
  - [Letter of Request](#)
  - [Historic Routes Preservation Act of 2023 Summary](#)

## **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.
  - [Resolution Terminating a Declaration of Emergency](#)
- 18.b. For Possible Action: Approve FY 2023-2024 Plan for the Provision of Indigent Defense Services.
  - [FY 2023-2024 Indigent Defense Plan \(Track Changes\)](#)
  - [FY 2023-2024 Indigent Defense Plan \(Clean\)](#)
- 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.
  - [Walther Agreement for PD Services in Fernley Municipal Court](#)
  - [Walther Agreement for PD Services in Yerington Municipal Court](#)
  - [Resolution Approving Cooperative Agreements with Cities](#)
  - [City of Fernley Cooperative Agreement](#)

- City of Yerington Cooperative Agreement

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.

- 21053 Bid Recommendation

- Agreement with Pellet Construction LLC for District Court - Courthouse Remodel Project

- General Conditions of the Contract for Construction

- Exhibit A Insurance and Bonds

**19. 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.*

**20. Commissioner Comments**

**21. 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.*

**22. 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.*

**23. Adjourn**

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**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, audiotope, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and T) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.**

**To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found on-line at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or**

write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410; Fax: (202) 690-7442; or Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

T.D.D. services available through 463-2301 or 463-6620 or 911 (emergency services) notice to persons with disabilities: members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners'/Manager's office in writing at 27 S. Main Street, Yerington, NV 89447, or by calling (775) 463-6531 at least 24 hours in advance

Lyon County is an equal opportunity provider.

**Agenda and Backup Material is  
Available at [www.lyon-county.org](http://www.lyon-county.org)**