



**Humboldt County Board of Commissioners  
Monday, August 29, 2022, at 4:30 p.m.  
Meeting Minutes**

Those present were Chairman Jim French, Commissioners Ken Tipton, Ron Cerri, Jesse Hill and Tom Hoss (via Teams), Deputy District Attorney Wendy Maddox, County Manager Dave Mendiola and Clerk of the Board Tami Rae Spero.

**CALL TO ORDER:** Chairman French called the special meeting to order at Grass Valley Elementary School, 6465 Grass Valley Road, Winnemucca, Nevada.

**STAFF REPORT:** Staff report provided to the Board (see attached).

**PLEDGE OF ALLEGIANCE:** All in attendance recited the Pledge of Allegiance.

**PUBLIC COMMENT:** Chairman French asked for public comment; none offered.

**OVERVIEW AND ACCEPTANCE OF GRASS VALLEY NITRATE PRELIMINARY ENGINEERING REPORT:** Consideration, discussion and possible acceptance of the Preliminary Engineering Report for the Grass Valley Nitrate Mitigation project. The presentation by Farr West Engineering will discuss the reason for the report, the findings and alternatives to consider for mitigation, including but not limited to approving the recommended alternative and directing the County Manager to pursue funding for the project, acquiring land for the site of the waste water treatment facility, request further studies or table the issue for future consideration. Included on the on-line agenda for review was copy of the Preliminary Engineering Report for Grass Valley Sewer prepared in June of 2022 by Farr West Engineering, a copy of a summary of the history of the Grass Valley water/sewer situation and a copy of the Grass Valley PER Current Progress Summary prepared in January of 2022 by Farr West Engineering. David Pulley, Principal Engineer with Farr West Engineering appeared before the Commission and provided a basic overview via Power Point of the engineering report including the alternatives, the existing facilities in the area, prior completed studies, the need for the project, the Grass Valley project area, alternative one – connect to Winnemucca sewer, alternative two – construct mechanical WWTF, alternative three – construct treatment ponds, alternative cost analysis, non-monetary alternative comparison, recommended alternative – two, engineer's opinion of probable cost, a budget example, recommendations including need for feedback, continue to inform public about nitrates, look at land acquisition via easement or purchase and to start the project as soon as financially allowable. Chairman French asked questions related to alternative 3, treatment ponds and Mr. Pulley responded. Commissioner Tipton asked how many people it would take to operate the system and City Manager Alicia Heiser commented from the audience on the staffing for the City and Mr. Pulley responded. Commissioner Hill offered no questions but noted at this point mechanical makes the most sense and explained. Mr. Pulley commented on

mechanical treatment and what ethanol is produced with that method. Commissioner Cerri asked about the expansion ability for the Grass Valley area. Mr. Pulley responded noting sewer lines already in existence and what can be pursued. Commissioner Cerri asked about the growth in the initial phase. Mr. Pulley responded. Commissioner Cerri asked about odors. Mr. Pulley responded. Mr. Farr offered comment from the audience. Commissioner Hoss noted the difficulty in hearing what is being said and offered comment about not going back to ponds as we just got rid of the odors from the ponds with the City. Audience member Hank Barkey offered comment as he is trying to figure out how this impacts the folks who have wells and septic systems as this seems more like what is offered in the city. Chairman French offered comment on what the intention of this process is to address the nitrate issue in the Grass Valley area and to identify a solution where we get the best bang for the buck, that works for the residents currently here and allows for future expansion as the Grass Valley area grows. Manager Mendiola commented on the areas more immediately impacted at this point and how the costs are being addressed. Audience member Bobby Conger asked about risk assessments and the ability to see those and whether the amounts identified are a true health risk. Mr. Pulley responded that the preliminary engineering report is not a risk assessment per se but the report does identify that with the alternatives you are reducing the nitrate levels that you are discharging into the ground and explained. Mr. Farr offered comment on nitrate levels as identified by the NDEP and the EPA and the possible impacts and where to access the information. Mr. Conger offered additional comment on nitrates naturally occurring in the atmosphere and questioned the concern and if the reduction identified is worth the cost. Chairman French offered comments on the elevation of nitrates in the area over the past two decades and the identified impacts of nitrates on people and the need to manage and protect the public health for all of the vulnerable population; he commented on the cost but noted the funding available to address the issue and the importance of pursuing those funds. Audience member Ellen Kunz asked what area is being looked at and what is being looked at for future development with the size of lots. Chairman French responded commenting on what occurred in the past and noting that, ultimately as a Commission and a Planning Commission, why we would be remiss if we allowed for, from an ordinance perspective, additional development which heads for the same problem we are having now but at a different time down the road; he stated that he would like to see that addressed now to put it behind us and press the re-set button; he continued stating that he believes that this is a real aggressive move that is being made and that every Commissioner on the Board shares his concern but the opportunity for funding is as good as we will have. Commissioner Cerri commented on the benefit of more users on the cost overall noting that adding users will take time. An unidentified audience member asked if it would affect property taxes.

Chairman French replied no. Ms. Kunz asked if the Commission is going to look at the size of lots with future expansion in the Grass Valley area noting her concerns with the smaller lots and something being done sooner than this proposal to address the situation. Manager Mendiola commented on the plan for developers to have to pay for connecting to the system so the cost would not lie with the residents of Humboldt. Audience member Dennis Savard asked about the impact on the nitrate levels from fertilizer given the animals in the area and questioned if that could be part of the problem. Commissioner French responded explaining what the maps show for the nitrate levels in the Gold Country and Star City areas and detailing information on the concentrations but agreed that yes there is a concern and that would be part of the permitting process down the road. Commissioner Hill responded to Ms. Kunz's query about the development aspect letting her know that it is being looked at. Joel Murphy offered comment from the audience asking that the County create a data room to keep the public informed and commented on data associated with the wells and suggested that the Board not jump to quickly but make sure the leg work is done and be diligent. Chairman French stated that the data room is a good idea and commented on the prior water summit held and the opportunities available. Audience member Debra Gay asked a question about the number of hookups proposed for the plant presented and the limited number of expansion opportunities. Mr. Pulley responded that there is not a very significant oversizing of the plant, it allows for about 300 units at the direction of the State which requires capacity for the project plus reasonable growth; he noted that expansion can occur though. Discussion ensued regarding the costs for expansion including the requirements for expansion. Mrs. Gay commented on the need to allow for sufficient room for expansion; she continued asking about a building moratorium given the high nitrates in the area. Deputy District Attorney Maddox commented as to what the agenda item is and cautioned the Board on going off the topic of the preliminary engineering report. Chairman French responded that he believed that these were legitimate questions given what was just talked about; he continued stating that he doesn't speak for the Regional Planning Commission but that he knows from a master plan perspective we have very much addressed what got us into this position and what the concentration of septic tanks per square mile needs to be as per what we have had and what is being proposed and that they are very much interested in limiting any additional concentrations of nitrates. Manager Mendiola noted that this is just the beginning and commented on funding available but explained that this is just the preliminary engineering report, that no decisions are being made tonight. Mark Evatz offered comment from the audience noting his attendance at a meeting regarding this issue 31 years ago and stated that it is time to make decisions and move forward to solve the problem. Tori Anderson (difficult to hear name and individual did not sign in so name may not be correct) offered comment from the

audience about the population in the area that is living on a fixed income and questioned how those people can be expected to handle these costs. Discussion ensued regarding the funding proposal and how costs for property owners could be addressed. Based on a question from audience member Ellen Kunz, Manager Mendiola explained the master plan created for the area by Farr West which identifies the different phases and estimated costs. Discussion ensued regarding the need for a data room and an explanation of what the data means. Manager Mendiola noted that he cannot apply for funding without an approved/accepted preliminary engineering report. Commissioner Tipton stated that he understood a lot of the questions people have asked and he has written many of them down so research can be done to find answers for those that were not fully answered tonight; he continued offering comment on the history of this issue noting a lack of funding in the past and the belief that the county taxpayers should not have to pay for this but now, that these grant funds may be available, he supports moving forward to determine if funding and land are available. Commissioner Hill asked for clarification on the language for a motion and Manager Mendiola responded. The following motion was made by Commissioner Tipton: *To approve the report that was given to the Board tonight from Farr West Engineering and to give the County Manager authority to pursue grant funding for the project and possible land sites for a waste water treatment facility and to request further studies of the issue for future consideration.*

Commissioner Hoss stated that he does not believe we have enough information in front of us to move on as what was originally given to management was to engage with the engineers to come up with answers for this including what funds were available and different stuff; that while he does not know what has been spent to this point on engineering he would guess it is a pretty good amount of money and we have not come up with any definite plan or anything to present to the State for what we would like to do; he continued stating that he is not in favor of moving this plan along as of yet, though he does want to continue to pursue it, as he asked to have it pursued earlier and he is still very interested in it, but that there are too many questions that are unanswered to be asking for money. Chairman French responded to Commissioner Hoss' comments stating that he believes that the data that has been received, specifically from Farr West was what was requested and a preferred alternative is listed and he believes the only alternative left, if we don't do this right now, is the no action alternative and for the record, in the twelve years he has been a Commissioner the no action alternative has put us in the position we are in right now and with the funding potential that is out there on the ground today, it is incumbent upon us to actually determine if that funding applies to us and whether we can actually make a project out of this based on the data that has been collected since 1996; he stated his agreement with Commissioner elect Evatz, bottom line, we are at a point now where the decision needs to be to put the pedal down and see

what we can get done for these folks as if we choose to walk away now, the alternatives dry up. Commissioner Hill asked given that three options were presented today, without clear direction as to which option we are going with, how does that impact the funding request. Manager Mendiola responded that the recommendation is to accept alternative 2 or not to accept at all. Chairman French concurred that the engineering firm has recommended alternative 2. Commissioner Hill asked if we have done out best due diligence for the citizens out here and is that the best alternative. Chairman French responded that this is the best data we have at this point but we are not at the point where we are going to write a check for a project there is still an awful lot of work to be done but we can't even qualify for applying for grants without this; he continued noting that this does not obligate us to option two it is just what is recommended at this point in time by Farr West Engineering and there will be plenty of opportunities to tweak it as we move down the road. Commissioner Cerri agreed that we can put the brakes on at any time but, if we want to pursue this, we need the dollars and this is our chance. Chairman French called Commissioner Tipton's motion to a vote and it passed with Chairman French and Commissioners Tipton, Cerri and Hill voting aye and Commissioner Hoss voting nay.

REVIEW OF GOLD COUNTRY WATER PRELIMINARY ENGINEERING REPORT AND APPRAISAL: Included on the on-line agenda for review was a copy of the Gold Country Water Company Nitrate Mitigation Assessment, Preliminary Engineering Report, prepared in February of 2022 by One Water Consulting, a copy of the Summary of the Gold Country Water System, a copy of the a Gold Country Water System Appraisal prepared in August of 2022 by Hansford Economic Consulting LLC and a copy of information on the Gold Country Star City Nitrate Levels 2014-2022.

A) Mark Foree, principal of Gold Country Water, will provide an overview of a recently completed Preliminary Engineering Report (PER), the history and current status of the water system, including details of the condition of the system, water rights and nitrate elevations in the Grass Valley area. Mark Foree, Secretary/Treasurer of Gold County Water Company and one of the owners of Gold Country Water appeared before the Commission and reviewed the increased nitrate levels identified in the system, actions taken previously to address the problem including tying into the airport water system, that the Star City well is also seeing an increase in nitrates, that grant funding was received from NDEP to obtain a preliminary engineering report and what was looked at and found in the study for nitrate mitigation with a finding that the preferred alternative would be to drill a new well in the vicinity of Cloudburst and Thomas Canyon which is the location that the study showed would be able to stay under the level of approximately four parts per million for the life of that well; he noted that the estimated cost at the time the report was prepared was 1.2 million but that it is probably over that now; he further noted the

additional recommendation that NDEP wanted included in the report and they endorsed it which is the consolidation of the Star City and Gold Country system and that there is grant funding available for both the nitrate mitigation portion and the consolidation portion. Commissioner Hoss asked why would the County be interested in buying a system that already has problems and if there is a solution why hasn't it been done questioning why are they asking the county do it. Manager Mendiola commented on the lack of ability of a for profit business to access grant funding so it would be a benefit to the county and its residents as the county does have access to loan forgiveness and grant funding whereas if Gold Country Water did the project the cost would be passed on to the users. Mr. Foree agreed stating that they do not have access to the funds to drill the well so the options are the county or to sell and explained how the sale would impact the users which is why they are looking at this option. Commissioner Hill asked about the two options. Mr. Foree responded explaining the benefit of combining the systems. Chairman French offered response to Commissioner Hoss' comments stating that, if the no action alternative is taken by the Commission tonight and Gold Country sells the system to another operator and they invest the monies necessary to fix the system, we not only be looking at a rate increase but there is no incentive for that company to consider the long term impacts of operating the system side by side with Star City; the fact that those two systems operate side by side and that there is an opportunity for them to share resources for the benefit of the folks that utilize those systems including the ability to access the loan forgiveness funding through the state revolving fund, if this opportunity is not taken, shame on the County. Commissioner Cerri noted the water rights available and the importance of that as those are hard to find and here we have a project in our back yard that fits those needs. Melissa Murphy offered comment from the audience asking about the seller retaining water rights and questioning why that would be considered. Chairman French noted his prior concern with that but explained that there are more than adequate rights for the extension of the system; he commented on the rights retained by the current owner and the ability for the county to look at first if sold. Joel Murphy offered comment from the audience questioning why not buy the additional rights now while they are available. Commissioner Cerri responded that the option is still negotiable but that the county cannot speculate down the road and the funding available is only for what is needed now and a bit more. Manager Mendiola noted that one of the items tonight is to have a legal firm look at the agreement with Gold Country and the rights would be part of what is being reviewed.

B) Mark Foree of Gold Country Water will present findings from the appraisal conducted by Hansford Consulting, Inc. Mr. Foree reviewed the appraisal for the Board noting that the appraiser is not available to review and stating that the appraiser's opinion of value is 1.687 million for the Gold Country system to

include 590-acre feet of water rights but he noted that Gold Country has all along stated that they will work within the confines of the grant funding available for consolidation and acquisition so they are not looking for the appraised amount. Commissioner Hoss offered comments on the appraisal he saw showing \$500,000.00 owed by the company and questioned how that would be covered, the enormous amount it would cost to put in another well, the need to determine what shape the infrastructure is actually in, that the water rights included do not cover half of what is needed in the area to expand so if the rights are not included the County will end up spending additional monies for those rights; he stated that at this time he does not believe this is a great buy for Humboldt County as we started out with a sewer project and now we are asking to buy a water system that is in trouble and that doesn't make sense to him and it is not a good business to get into. No further comments offered.

OPTIONS FOR GOVERNANCE: Comptroller Gina Rackley, Deputy DA Wendy Maddox and Andree Rose from Drake, Rose & Associates will provide options for the Commission regarding possible approaches for either the County acquiring Gold Country Water or a General Improvement District being formed as well as an option for an enterprise fund to be created. Comptroller Gina Rackley, Andree Rose with Drake, Rose & Associates and Deputy District Attorney Wendy Maddox appeared before the Commission. Comptroller Rackley offered comment on discussion that she had with Mrs. Rose as the County Auditor and Deputy District Attorney Maddox at which it was determined that if the county goes forward with the purchase of the Gold County Water system that it be created as an enterprise fund as was done with the Star City system and then going forward, if the community members want to take on the management, the process to take it to a General Improvement District can be pursued. Mrs. Rose explained that whether the system falls under the county's umbrella or a GID's authority it would still be an enterprise fund which is a fund that operates like a business with all revenues and expenses remaining with that fund and the users of that system would be the ones to fund it; she noted that if it came under the County, the governance would be by the County but not the funding. Deputy District Attorney Maddox explained how a GID is created. Commissioner Cerri asked whether an assessment district was considered and explained noting that he likes that with a GID or Assessment District that there is a board made up of the people affected and they handle the decisions; he further questioned that if the Commission moves forward does debt fall on the county. Mrs. Rose responded that an enterprise fund works much like a special assessment fund and offered comment on the decision that needs to be made; she continued explaining that the debt would fall on the enterprise fund users, now if the fund falls under the County's governance it would be in Humboldt County's name but it does not necessarily mean that Humboldt County is responsible for that debt as long as you have the appropriate rates in place which currently is the case. Commissioner Cerri

asked about the impact of taking this debt on as to any of the benefits the county has for being debt free. Mrs. Rose responded that the question is who is going to pay that debt off and currently the users are responsible and the rate is sufficient to cover the debt; she offered the opinion that at the current debt level she does not believe it would have an impact though it could maybe. Deputy District Attorney Maddox commented that upon review of Chapter 271 related to special assessment districts the Commission would still be the governing board. Mrs. Rose commented on enterprise funds versus special assessments. Commissioner Hill asked how the system can be brought out of debt while operating and doing the improvements with the current rates. Mrs. Rose responded that with her understanding is the funding being sought for the acquisition and the well is a grant which does not have any funding requirement related to it that she is aware of but noted that there is additional information coming forward later in the meeting to address that; she further noted that the current debt is already being serviced by the rates in place unless the decision is to do something new and then the rates would need to be looked at or if the costs exceed the grant funding that would also be another conversation. Commissioner Tipton questioned, if Gold Country and Star City are combined, is there a mechanism in place to make sure that the Gold County users are paying toward the debt and not the Star City users or would the debt be spread out at that time. Mrs. Rose responded that would need to be explored if the decision was to combine those. Commissioner Cerri asked about the ability for the County to use funds currently in place such as what we have in bonds to pay this debt. Comptroller Rackley explained why that was not an option. Commissioner Cerri questioned why we would pay interest and make ½ percent. Mrs. Rose responded explaining how the County services debt noting that the county paying the debt would open a Pandora's box with enterprise funds wanting the same consideration.

STATE REVOLVING FUND AND FUNDING OVERVIEW: Jason Cooper, Administrative Services Officer III, with the Nevada Division of Environmental Protection, will provide an overview of the Office of Financial Assistance, Bureau of Administrative Services and the State Revolving Fund program. He will also provide an overview of the funding that is available to Humboldt County for the possible acquisition and consolidation of Gold Country Water and Star City water systems. Jason Cooper, Program Manager for the State Revolving Funds Program appeared before the Commission via Teams and reviewed how the revolving fund works and explained why the consolidation of the Gold Country Water system and the Star City Water system is being discussed, the funding that is available, the current debt of Gold Country Water and how it would need to be addressed. Based on questions from the Commission, Mr. Cooper explained the ability to fund the new well, the consolidation of the systems, the restructuring of the debt, the funding already provided for the processes which have already occurred, the ability to fund the additional

agreement costs on tonight's agenda and the time frame for the process.

Chairman French stated the Board would move to item 10 on the agenda at this time.

**SCHROEDER LAW ENGAGEMENT LETTER FOR GOLD COUNTRY CONSULTATION:** Consideration, discussion and possible approval to engage Schroeder Law and water law attorney Theresa Ure-Stix to provide legal counsel for the county to review the acquisition agreement, including conditions of the system, water rights considerations and other possible areas of interest for the potential acquisition. Included on the on-line agenda for review was a copy of the proposed contract for legal services between Humboldt County and Schroeder Law. Manager Mendiola reviewed the request including the number of water rights available. Commissioner Hill asked about a not to exceed amount. Deputy District Attorney Maddox stated the amount was \$10,000.00. Theresa Ure-Stix appeared via Teams and confirmed that amount. The following motion was made by Commissioner Tipton and passed with Chairman French and Commissioners Tipton, Cerri and Hill voting aye and Commissioner Hoss voting nay:

*To instruct County Manager Mendiola to do an engagement letter with Schroeder Law to look into the Gold Country Water acquisition not to exceed \$10,000.00.*

After discussion during public comment the Commission returned to item 8 on the agenda and the following amended motion was made by Commissioner Tipton and passed with Chairman French and Commissioners Tipton, Cerri and Hill voting aye and Commissioner Hoss voting nay:

*To instruct County Manager Mendiola to do an engagement letter with Schroeder Law to look into the Gold Country Water acquisition not to exceed \$10,000.00 and to have the work done by October 17<sup>th</sup>.*

**REQUEST TO HIRE SHAW ENGINEERING TO ANALYZE THE CONDITION OF THE GOLD COUNTRY WATER SYSTEM:** Consideration, discussion and possible approval of an agreement with Shaw Engineering to review and analyze the conditions of the system, as well as other associated potential risks in taking over ownership and maintenance in an amount not to exceed \$4,500. Included on the on-line agenda for review was a copy of the proposal from Shaw Engineering for engineering services for the Gold Country Water Company system review. Cody Black with Shaw Engineering appeared before the Commission and offered comment on what Shaw Engineering would be reviewing and what would be provided to the Commission. Deputy District Attorney Maddox asked if Shaw would be able to do testing of water samples. Mr. Black responded that they could definitely coordinate that but that the contract offered does not include extra funds for lab testing. Deputy District Attorney Maddox stated that was okay that she would just wait to see what the water lawyer may request. Commissioner Tipton offered the following motion which passed unanimously:

*To enter into an agreement with Shaw Engineering to review and analyze the conditions of the Gold Country*

*Water System and associated potential risks in taking over ownership and maintenance in an amount not to exceed \$4,500.00.*

Commissioner Hoss explained that he had voted aye on this item given the actions by the Board on the other agenda items as having someone who is unbiased look at to see if it is half way decent is necessary. After discussion during public comment the Commission returned to item 9 on the agenda and the following amended motion was made by Commissioner Tipton and passed unanimously:

*To enter into an agreement with Shaw Engineering to review and analyze the conditions of the Gold Country Water System and associated potential risks in taking over ownership and maintenance in an amount not to exceed \$4,500.00 and to have work done by October 3<sup>rd</sup>.*

REQUEST FOR DIRECTION FROM BOARD OF COUNTY COMMISSIONERS RELATED TO GOLD COUNTRY ACQUISITION: Consideration, discussion and direction from the Board to the County Manager's Office, Comptroller's Office and District Attorney's Office as to whether a potential acquisition of the Gold Country Water System is desirable and in the best interest of the County, as well as direct said offices in conjunction with any independent contractors engaged in regards to the potential acquisition to work towards creating a purchase agreement and other related documents to be brought before the board at a later time. Manager Mendiola explained the timeline requirement and the process noting that it does not commit us at this time, it just puts the County on the agenda for October. Commissioner Hill offered comment and questioned what the other costs will be noting that the presentation by Mr. Cooper indicates that the well will be paid for but what are the rights and the system going to cost the County. Chairman French stated that is a legitimate question but suggested that the decision now is similar to what occurred with Star City noting the other items on the agenda to be discussed related to the engineering study of the system and the legal review of the water rights which would occur prior to moving forward; he further suggested that what this motion will do is to allow the county to be on the agenda for October for consideration by the State Revolving Fund so the County can apply for grant funding for the well which is a significant chunk. Commissioner Hill stated that he would like to know the total cost of ownership before we waste time asking for money. Commissioner Cerri stated that he is taking a different approach and, while he hates to lose this opportunity, this doesn't really get us what we need as it does not solve the nitrate problem, it buys the county another water system but in order to solve the nitrate problem we probably need this water so this is kind of a roundabout way to get to the bottom of the problem which is nitrates but he does not want to lose the opportunity. Chairman French offered comment as to how this does address the problem with the nitrates by mixing the systems and drilling the new well and that, if we as a public entity can capitalize on the availability of state revolving

funds to benefit and allow us to deliver water to the majority of residents that are being impacted by the nitrate problem. Manager Mendiola noted the experience in McDermitt with the arsenic issue and the costs that resulted from that in providing the citizens with water for use. Commissioner Hill commented on his concerns with the cost of ownership and what other costs will be involved using employees as an example. Commissioner Tipton commented on the chance to solve the nitrate problem in the area but stated his understanding of Commissioner Hill's concerns as there is no defined cost but suggested that this maybe the only way to get those costs; he noted the language is for "potential acquisition" so the county can choose not to move forward and with the ability to use the State Revolving Funds for the legal and additional engineering assistance he supports going forward at this time. Commissioner Cerri agreed that this does not commit the County to spending the money or drilling the well but this is what needs to be done to make the money available to do so if the county pursues this. Chairman French noted that this same conversation has been occurring for years and the same concerns resulted in the breaks being pumped but this is an opportunity to take a run at the problem and assist a big part of the people that are impacted so the County needs to do this; that we need to be committed to dealing with the issue and take full advantage of the resources that are being offered to us. Commissioner Hill stated his continued concern about what the actual cost of the system will be and his problem with asking for money if we do not intend buy the system. Manager Mendiola responded explaining the amount that would be paid to Gold County to obtain the assets of Gold Country, that the operating costs are known and the current fees pay for that, that this is a solid system with money set aside for repairs and that the rest of the funding is the well. After discussion the following motion was made by Commissioner Tipton and passed with Chairman French and Commissioners Tipton, Cerri and Hill voting aye and Commissioner Hoss voting nay:

*To move forward with the potential acquisition of Gold County Water System as it is in the best interest for the County and the people in the Gold Country and Star City area and to direct the County Manager to go forward with any independent contractors to engage in potential work to create the purchase of the agreement and any related documents that may need to be brought forward to the Board at a later time.*

Chairman French asked if this motion addresses items 8 and 9 on the agenda as well as the County Manager was directed to engage those contractors to bring this forward to the Board. Deputy District Attorney Maddox responded that the letters of engagement would still need to be approved by the Commission.

APPROVAL OF LETTER OF INTENT FOR HUMBOLDT COUNTY TO ACQUIRE GOLD COUNTRY WATER SYSTEM FOR SUBMISSION TO THE STATE REVOLVING FUND: Consideration, discussion and possible approval to

direct County Manager Dave Mendiola to submit a non-binding Letter of Intent (LOI) to the State Revolving Fund to confirm Humboldt County's desire to acquire the system as part of the larger effort to mitigate nitrates in the Grass Valley area, with said Letter of Intent clearly denoted with language approved by legal counsel indicating that the LOI is not legally binding nor creates any obligation on behalf of the County to purchase the system until the execution of a definitive purchase agreement. The Letter of Intent is intended to assure the Board for Financing Water Projects, that will meet again in October 2022, that the county is interested in the funding provided by the State Revolving Fund to cover the cost of the consolidation and drilling a new well will be reserved for the transaction. Chairman French read the agenda item in its entirety. The following motion was made by Commissioner Tipton and passed with Chairman French and Commissioners Tipton, Cerri and Hill voting aye and Commissioner Hoss voting nay: *To accept what the Chair just read into the record as presented.*

Chairman French stated that the Commission would now return to items 8 and 9 on the agenda.

PUBLIC COMMENT: Chairman French asked for public comment. Mark Evatz offered comment from the audience suggesting that the Commission provide a due date for the reports being provided by the consultants. Manager Mendiola offered comment on what time frame had been discussed but noted the ability to return to the motions to add a due date. Mr. Black commented on the time he envisions this taking noting that he believes the total costs will exceed the \$4,500.00 thought he will not charge more than that and that he will agree to a time frame if the Board believes the attorneys can create the agreements within that timeframe; he noted his time line is currently 2 to 4 weeks but he needs the County Manager to call him when he needs things. Manager Mendiola offered comment on the time frames suggesting that Shaw be given four weeks with Schroder Law having two weeks following Shaw's report submission that would put all information in place by the end of October. Discussion ensued that the information would be presented to the Commission at their October 17<sup>th</sup> meeting. Chairman French stated that the Board would return to agenda items 8 and 9 to amend the motion to include the deadlines. No further public comment offered.

ADJOURNMENT: Chairman French adjourned the meeting at 7:53 p.m.

ATTEST:  Clerk      APPROVED:  Chairman

(Minutes approved by the Commission and signed by the Chairman on 09/19/2022)

Notice of Public Meeting  
HUMBOLDT COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING - OVERVIEW GRASS  
VALLEY NITRATE MITIGATION  
Humboldt County Board of Commissioners Special Meeting  
**Monday, August 29, 2022**  
**4:30 PM:**

Grass Valley Elementary School  
6465 Grass Valley Rd  
Winnemucca, NV 89445

Click here to join the meeting:  
**JOIN**

Or by phone: +1 775-446-0241, Conference ID: 401 458 117#

All times on this agenda are approximate. Consideration of items may require more or less time than is scheduled. Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on the agenda; however, no action may be taken on Matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Additionally, public comment may be heard on any item listed on the Agenda. Persons are invited to submit comments in writing and/or attend and make comments on any agenda item at the Commission meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Commission.

**Agenda - Monday, August 29, 2022**

STAFF REPORT

Staff Report

HuCo Commissioners Special Meeting 8-29-22 - Staff Report 2.pdf

1.CALL TO ORDER

2.PLEDGE OF ALLEGIANCE

3.PUBLIC COMMENT - General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken.

4.OVERVIEW AND ACCEPTANCE OF GRASS VALLEY NITRATE PRELIMINARY ENGINEERING REPORT (FOR POSSIBLE ACTION) - Consideration, discussion and possible acceptance of the Preliminary Engineering Report for the Grass Valley Nitrate Mitigation project. The presentation by Farr West Engineering will discuss the reason for the report, the findings and alternatives to consider for mitigation, including but not limited to approving the recommended alternative and directing the County Manager to pursue funding for the project, acquiring land for the site of the waste water treatment facility, request further studies or table the issue for future consideration. Discussion and possible action.

4.A.Grass Valley PER and History  
[GV Sewer PER reduced.pdf](#)

[Grass Valley Report - BW2001.pdf](#)

[Grass Valley PER PPT.pptx](#)

5.REVIEW OF GOLD COUNTRY WATER PRELIMINARY ENGINEERING REPORT AND APPRAISAL (FOR INFORMATION ONLY) - A) Mark Foree, principal of Gold Country Water, will provide an overview of a recently completed Preliminary Engineering Report (PER), the history and current status of the water system, including details of the condition of the system, water rights and nitrate elevations in the Grass Valley area. For information only.

B) Mark Foree of Gold Country Water will present findings from the appraisal conducted by Hansford Consulting, Inc. Information only.

5.A.Gold Country PER, History, Appraisal and Nitrate Level Chart  
[Gold Country PER 29March22 final signed \(5\).pdf](#)

[Gold Country History.pdf](#)

[HEC Final Appraisal Aug7 sent Aug9.pdf](#)

[Gold Country-Star City Nitrate Levels 2014-2022.pdf](#)

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7.STATE REVOLVING FUND AND FUNDING OVERVIEW (INFORMATION ONLY) - Jason Cooper, Administrative Services Officer III, with the Nevada Division of Environmental Protection, will provide an overview of the Office of Financial Assistance, Bureau of Administrative Services and the State Revolving Fund program. He will also provide an overview of the funding that is available to Humboldt County for the possible acquisition and consolidation of Gold Country Water and Star City water systems. Information only.

8.SCHROEDER LAW ENGAGEMENT LETTER FOR GOLD COUNTRY CONSULTATION (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval to engage Schroeder Law

and water law attorney Theresa Ure-Stix to provide legal counsel for the county to review the acquisition agreement, including conditions of the system, water rights considerations and other possible areas of interest for the potential acquisition. Discussion and possible action.

8.A.Schroeder Law Letter of Engagement

(Humboldt County) SLO to Humboldt County - Contract for Legal Services - Gold Country (P0579708xA1B60).pdf

9.REQUEST TO HIRE SHAW ENGINEERING TO ANALYZE THE CONDITION OF THE GOLD COUNTRY WATER SYSTEM (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval of an agreement with Shaw Engineering to review and analyze the conditions of the system, as well as other associated potential risks in taking over ownership and maintenance in an amount not to exceed \$4,500. Discussion and possible action.

9.A.Shaw Proposal

Gold Country Water System Review-July 22.pdf

10.REQUEST FOR DIRECTION FROM BOARD OF COUNTY COMMISSIONERS RELATED TO GOLD COUNTRY ACQUISITION (FOR POSSIBLE ACTION) - Consideration, discussion and direction from the Board to the County Manager's Office, Comptroller's Office and District Attorney's Office as to whether a potential acquisition of the Gold Country Water System is desirable and in the best interest of the County, as well as direct said offices in conjunction with any independent contractors engaged in regards to the potential acquisition to work towards creating a purchase agreement and other related documents to be brought before the board at a later time. Discussion and possible action.

11.APPROVAL OF LETTER OF INTENT FOR HUMBOLDT COUNTY TO ACQUIRE GOLD COUNTRY WATER SYSTEM FOR SUBMISSION TO THE STATE REVOLVING FUND (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval to direct County Manager Dave Mendiola to submit a non-binding Letter of Intent (LOI) to the State Revolving Fund to confirm Humboldt County's desire to acquire the system as part of the larger effort to mitigate nitrates in the Grass Valley area, with said Letter of Intent clearly denoted with language approved by legal counsel indicating that the LOI is not legally binding nor creates any obligation on behalf of the County to purchase the system until the execution of a definitive purchase agreement. The Letter of Intent is intended to assure the Board for Financing Water Projects, that will meet again in October 2022, that the county is interested in the funding provided by the State Revolving Fund to cover the cost of the consolidation and drilling a new well will be reserved for the transaction. Discussion and possible action.

11.A.Letter of Intent

12.PUBLIC COMMENT - General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken.

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**CERTIFICATE OF POSTING**

PLACES POSTED: Humboldt Co. Courthouse, 50 W. 5th St.; Rooms 201, 205, & 207 at 8:30 A.M. By: MC  
Humboldt County Website: www.hcnv.us at 8:30 A.M. By: MC  
State of Nevada Website: www.notice.nv.gov. A.M. By:  
MEETING DATE: August 29, 2022 POSTED BY: MICHELLE COOK  
DATE POSTED: August 24, 2022

**NOTE FOR SUPPORTING MATERIAL:** A copy of the supporting material for the meeting may be obtained at Commissioner meeting/agendas on the Humboldt County website: [www.hcnv.us](http://www.hcnv.us) or by contacting Dave Mendiola, County Administrator, at 50 W. Fifth Street, Winnemucca, Nevada 89445, (775) 623-6300

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**NON-DISCRIMINATION STATEMENT** - 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.

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- (1) Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7422; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

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**\*\*STAFF REPORT\*\*STAFF REPORT\*\*STAFF REPORT\*\***

Notice of Public Meeting

**HUMBOLDT COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING - OVERVIEW GRASS  
VALLEY NITRATE MITIGATION**

Humboldt County Board of Commissioners Special Meeting

**Monday, August 29, 2022**

**4:30 PM:**

Grass Valley Elementary School  
6465 Grass Valley Rd  
Winnemucca, NV 89445

All times on this agenda are approximate. Consideration of items may require more or less time than is scheduled. Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on the agenda; however, no action may be taken on Matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Additionally, public comment may be heard on any item listed on the Agenda. Persons are invited to submit comments in writing and/or attend and make comments on any agenda item at the Commission meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Commission.

**Agenda - Monday, August 29, 2022**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT - General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken.

4. OVERVIEW AND ACCEPTANCE OF GRASS VALLEY NITRATE PRELIMINARY ENGINEERING REPORT (FOR POSSIBLE ACTION) - Consideration, discussion and possible acceptance of the Preliminary Engineering Report for the Grass Valley Nitrate Mitigation project. The presentation by Farr West Engineering will discuss the reason for the report, the findings and alternatives to consider for mitigation, including but not limited to approving the recommended alternative and directing the County Manager to pursue funding for the project, acquiring land for the site of the waste water treatment facility, request further studies or table the issue for future consideration. Discussion and possible action.

\*\*The goal of this item is to provide the Commission and the residents of Grass Valley an overview of the Preliminary Engineering Report (PER) that was conducted by Farr West Engineering over the past 15-months. As part of the Preliminary Engineering Report, three alternatives are provided. After researching each alternative to determine its affect on the primary problem (rising levels of nitrates) the engineers look at the costs associated with each alternative both immediate and long-term (maintenance).

In the case of the overall Grass Valley area, it was determined that a waste water collection system and a treatment facility is the best solution to reverse the nitrate accumulations in the area. In other words, the solution must include removing septic systems in the area and provide a long-term solution to gather and treat waste water in the area. For the purposes of this PER, a specific boundary was created to represent what we are calling Phase 1. This area was chosen because it was the most efficient way to get as many households and businesses connected to the system to have the biggest impact on nitrates (See PER map for exact boundaries). Approximately 600 residential properties and several businesses would be connected in this first phase. This area includes the residents of Gold Country and Star City, as well as BJ's market, an RV park in Gold Country as well as the elementary school and the Church of Latter-Day Saints.

Key to this entire project is that all of the costs to connect every resident and business will be covered through grants from various sources that fund these types of infrastructure. This project will not be able to go forward until the funding can be secured. That may take some time as grant opportunities come up throughout the year. In addition, they are very competitive as we would compete with communities around the U.S.

Thus, the main goal of the Grass Valley Nitrate agenda item is to have the Commissioners accept the Preliminary Engineering Report (PER). If the report is accepted, the next step is to begin the grant procurement process. The first stage of grant funding would be focused on securing funding for the complete engineering design of the collection and treatment facility. This request would come before the Commission at a later date.

4.A.Grass Valley PER and History  
[GV Sewer PER\\_reduced.pdf](#)

[Grass Valley Report - BW2001.pdf](#)

[Grass Valley PER PPT.pptx](#)

#### 5.REVIEW OF GOLD COUNTRY WATER PRELIMINARY ENGINEERING REPORT AND APPRAISAL (FOR INFORMATION ONLY) -

\*\*This next agenda item is intended to provide background information regarding the Gold Country Water system, including the results of a Preliminary Engineering Report (PER) that was completed earlier this year by One Water Consulting. This is a separate engineering company. The reason for this PER was to find alternatives for Gold Country Water to mitigate rising nitrate levels within the Gold Country Water system. Several alternatives are discussed in the PER. The recommended alternative was to 1) drill a new well in an area that has much lower nitrate levels; 2) connect the well and the entire Gold Country Water system to the Star City Water system (Consolidation) for the purposes of blending the water with Star City wells, which will allow both systems to keep their nitrate levels below the EPA levels (10 ppm) for the next several years and will also provide the ability to support both systems. Currently, both Gold Country and Star City wells have been increasing in nitrates due to the large concentration of septic systems in the area.

In addition, Mark Foree, will provide information regarding the current condition of the system, water rights that are held by the system, nitrate data in the area and will provide a summary of a recently completed appraisal completed by Hanford Consultants.

The goal of this item is information only to provide a baseline of the history of the area and the challenges that are common to the Grass Valley area as a whole and specifically the two water systems.

Both the Farr West Engineering PER and the One Water Consulting PER recommend consolidation of the water systems. Humboldt County acquired the Star City system in 2018-2019. The rest of the agenda items for this special meeting are intended to provide additional information and to request additional actions be taken to do additional research regarding the possible acquisition of the Gold Country Water system by the county.

A) Mark Foree, principal of Gold Country Water, will provide an overview of a recently completed Preliminary Engineering Report (PER); the history and current status of the Gold Country Water system; including details of the condition of the system, water rights and nitrate elevations in the Grass Valley area. For information only.

B) Mark Foree of Gold Country Water will present findings from the appraisal conducted by Hansford, Hansford Consulting, Inc. Information only.

5.A. Gold Country PER, History, Appraisal and Nitrate Level Chart  
[Gold Country PER 29March22 final signed \(5\).pdf](#)

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6. OPTIONS FOR GOVERNANCE (INFORMATION ONLY) - Comptroller Gina Rackley, Deputy DA Wendy Maddox and Andree Rose from Drake, Rose & Associates will provide options for the Commission regarding possible approaches for either the County acquiring Gold Country Water or a General Improvement District being formed as well as an option for an enterprise fund to be created. Information only.

\*\*This item is also intended to provide information only to the Commission. The common question that has come up over the past two years has been how would this new water system, if acquired by the county, be governed. Could a General Improvement District be formed to govern the day-to-day activity or would it make more sense to establish an Enterprise Fund, much like Star City, to govern the activity of the system?

These options will be presented with the intent to provide information for a future decision should the Commission decide to acquire the system.

7. STATE REVOLVING FUND AND FUNDING OVERVIEW (INFORMATION ONLY) - Jason Cooper, Administrative Services Officer III, with the Nevada Division of Environmental Protection, will provide an overview of the Office of Financial Assistance, Bureau of Administrative Services and the State Revolving Fund program. He will also provide an overview of the funding that is available to Humboldt County for the possible acquisition and consolidation of Gold Country Water and Star City water systems. Information only.

\*\*Jason Cooper is the key contact for Nevada counties and municipalities that are looking for funding to research, design and complete infrastructure projects in Nevada. Jason will provide an overview of the State Revolving Fund (SRF), including the types of funding they provide and how they support communities with challenges with clean water and waste water. He will also discuss the specifics of a funding opportunity for Humboldt County should it decide to acquire Gold Country Water.

Again, this is for information only.

The goals of this item are to provide a global view of the State Revolving Fund program and to provide the details of the funding mechanism that he has created for Humboldt County, which includes

covering the cost of a new well, connecting the systems and consolidating the two water systems. Currently, Gold Country has an outstanding loan with the SRF. As part of the funding, the county will be required to re-finance that current debt. The residents of Gold Country are currently servicing this debt through monthly fees. That will not change should the county decide to acquire the system. The current debt has not been paid by other residents of the county nor will other residents pay for any costs in the future.

8.SCHROEDER LAW ENGAGEMENT LETTER FOR GOLD COUNTRY CONSULTATION (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval to engage Schroeder Law and water law attorney Theresa Ure-Stix to provide legal counsel for the county to review the acquisition agreement, including conditions of the system, water rights considerations and other possible areas of interest for the potential acquisition. Discussion and possible action.

\*\*As mentioned above, there is additional due diligence that should be considered by the Commission before they make a final decision regarding acquiring Gold Country. Schroeder Law is known for its legal expertise regarding water law and it is recommended that the Commission engage the firm to review any agreement between the entities, including offers of water rights that would transfer and to make recommendations for additional due diligence to ensure that the acquisition is in the best interest of the county and the residents of Gold Country and Grass Valley in general. The goal is to have the Commission approve an agreement with Schroeder Law to engage the firm to do this work prior to making any final decision.

8.A.Schroeder Law Letter of Engagement  
(Humboldt County) SLO to Humboldt County - Contract for Legal Services - Gold Country (P0579708xA1B60).pdf

9.REQUEST TO HIRE SHAW ENGINEERING TO ANALYZE THE CONDITION OF THE GOLD COUNTRY WATER SYSTEM (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval of an agreement with Shaw Engineering to review and analyze the conditions of the system, as well as other associated potential risks in taking over ownership and maintenance in an amount not to exceed \$4,500. Discussion and possible action.

As part of the due diligence, the Commission may want a more detailed report regarding the Gold Country Preliminary Engineering Report (PER). Shaw Engineering has a long history of working in Humboldt County and specifically in the Grass Valley area. This item is intended to have the Commission engage the engineering firm to provide a more detailed look into the Gold Country Water system prior to making any final decision to acquire the system.

9.A.Shaw Proposal  
Gold Country Water System Review-July 22.pdf

10.REQUEST FOR DIRECTION FROM BOARD OF COUNTY COMMISSIONERS RELATED TO GOLD COUNTRY ACQUISITION (FOR POSSIBLE ACTION) - Consideration, discussion and direction from the Board to the County Manager's Office, Comptroller's Office and District Attorney's Office as to whether a potential acquisition of the Gold Country Water System is desirable and in the best interest of the County, as well as, direct said offices in conjunction with any independent contractors engaged in regards to the potential acquisition to work towards creating a purchase agreement and other related documents to be brought before the board at a later time. Discussion and possible action.

\*\*The goal of this item is to seek direction from the Board of Commissioners based on the information they have received during the special meeting. This is not a request to approve the acquisition. It is

simply a request to direct county officials (County Manager/District Attorney/Comptroller) to do any follow-up based on the decisions made earlier in the meeting.

**\*\*\*\*\*Any costs that are incurred as part of any due diligence on the part of the Commission will be reimbursed as part of the loan forgiveness loan that the SRF provides. This was confirmed today with the State Revolving Fund. Thus, the costs for Schroeder Law, Shaw Engineering or any other professional organization will be reimbursed to the county.**

11. APPROVAL OF LETTER OF INTENT FOR HUMBOLDT COUNTY TO ACQUIRE GOLD COUNTRY WATER SYSTEM FOR SUBMISSION TO THE STATE REVOLVING FUND (FOR POSSIBLE ACTION) - Consideration, discussion and possible approval to direct County Manager Dave Mendiola to submit a non-binding Letter of Intent (LOI) to the State Revolving Fund to confirm Humboldt County's desire to acquire the system as part of the larger effort to mitigate nitrates in the Grass Valley area, with said Letter of Intent clearly denoted with language approved by legal counsel indicating that the LOI is not legally binding nor creates any obligation on behalf of the County to purchase the system until the execution of a definitive purchase agreement. The Letter of Intent is intended to assure the Board for Financing Water Projects, that will meet again in October 2022, that the county is interested in the funding provided by the State Revolving Fund to cover the cost of the consolidation and drilling a new well will be reserved for the transaction. Discussion and possible action.

\*\*I believe the language in the item is clear. The Commission is being asked to submit a Letter of Intent to the State Revolving Fund of its intent to acquire the Gold Country Water system. As the language mentions, this is a NON\_BINDING document. The Commission can rescind the letter at a later date should they determine that acquiring Gold Country is not in the best interest of the County.

There are two reasons for this document. One, it is required by SRF before the loan forgiveness loan can be considered by the Board for Financing Water Projects (the governing board for the SRF). The next meeting of the Board for Financing Water Projects is in October. It is simply a place holder for the \$1.85 million that is being provided by SRF. Two, it signals to the Board for Financing Water Projects that the county is interested but will be doing additional due diligence prior to making a formal decision to acquire the system.

11.A. Letter of Intent

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MEETING DATE: August 29, 2022 POSTED BY: \_\_\_\_\_

DATE POSTED: \_\_\_\_\_

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