



Humboldt County Board of Commissioners
July 24, 2023 at 8:33 AM
Meeting Minutes

Those present were Chairman Ken Tipton, Commissioners Jesse Hill, Ron Cerri, Tom Hoss and Mark Evatz, Deputy District Attorney Shane Bell replaced by District Attorney Kevin Pasquale at 12:34 p.m., County Manager Dave Mendiola (via Teams) and Clerk of the Board Tami Rae Spero.

CALL TO ORDER: Chairman Tipton called the regular meeting to order in the regular place of meeting at the County Meeting Room #201, Courthouse, Winnemucca, Nevada.

PLEDGE OF ALLEGIANCE: All present recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Discussion and action on correction/approval of minutes for discussion and action on correction/approval of minutes for March 27, 2017 (Budget Hearing); April 3, 2017; May 1, 2017 (Joint); May 15, 2017; June 19, 2017; July 10, 2017; August 7, 2017 (Joint); August 21, 2017; December 11, 2017 (Joint); January 16, 2018; January 29, 2018 (Retreat); February 5, 2018; February 20, 2018; March 5, 2018; April 2, 2018 (Budget Hearing); April 9, 2018; August 6, 2018; August 20, 2018; September 17, 2018; October 1, 2018; October 15, 2018; March 18, 2019; March 25, 2019 (Budget Hearings); April 1, 2019; May 6, 2019; May 15, 2019 (Special); May 20, 2019; June 3, 2019; June 17, 2019; June 25, 2019 (Special); August 5, 2019; August 19, 2019; September 3, 2019; September 16, 2019; October 21, 2019; November 4, 2019; November 25, 2019 (Special); December 16, 2019; January 6, 2020; January 21, 2020 (Combined Regular and Retreat); February 3, 2020; March 2, 2020; March 19, 2020; April 6, 2020; April 14, 2020 (Special); April 20, 2020; May 4, 2020; June 15, 2020 (Joint); July 17, 2020 (Special Joint); July 20, 2020; August 17, 2020; August 20, 2020 (Special Meeting); September 8, 2020; September 21, 2020; September 30, 2020 (Special); October 5, 2020 (Special Joint Meeting); October 19, 2020; November 9, 2020; November 13, 2020 (Special Canvass); November 23, 2020; December 14, 2020; January 4, 2021; January 25, 2021 (Special Meeting); February 8, 2021; February 22, 2021 (Special Joint Meeting); February 22, 2021; March 22, 2021; March 29, 2021 (Budgets); April 8, 2021 (Special Meeting); June 21, 2021; July 19, 2021; August 9, 2021; August 12, 2021 (Special Meeting); August 23, 2021; September 20, 2021; November 8, 2021; and November 22, 2021; January 3, 2022; January 24, 2022 (Commission Retreat), March 7, 2022, March 21, 2022; May 2, 2022; May 16, 2022; September 19, 2022 (Regular Meeting); November 7, 2022; November 21, 2022; December 12, 2022; February 21, 2023; March 20, 2023; March 27 & 28, 2023 (Budget Hearing); May 1, 2023, and July 10, 2023. No minutes submitted for consideration.

APPROVAL OF EXPENDITURES FOR HUMBOLDT COUNTY FOR JULY 10, 2023, THROUGH JULY 24, 2023: Commissioner Hoss noted that he is included in the check run for a reimbursement for attending the water

authority meeting. The following motion was made by Commissioner Cerri and passed unanimously:

To approve the expenditures for Humboldt County for July 10, 2023 through July 24, 2023 as presented.

Chairman Tipton stated that the Commission would proceed to item 12 on the agenda at this time.

8:45 A.M - JOINT CITY OF WINNEMUCCA AND HUMBOLDT COUNTY COMMISSION: APPROVAL OF SHARED COST AGREEMENT FOR FISCAL YEAR 2023-2024:

Present on behalf of the Winnemucca City Council were Mayor Rich Stone, Councilmembers Mike Owens, Vince Mendiola, Pam Coats and Ashley Maden, City Manager Alicia Heiser, City Attorney O. Kent Maher and City Clerk Ruth Fitzpatrick. Councilmember Theresa Mavity was not in attendance.

Call to Order: Mayor Stone called the City Council portion of the joint meeting to order at 8:44 a.m.

Public Comment: Mayor Stone asked for public comment. Christine Kenison appeared before the Boards and offered public comment regarding the proposed transloading facility at the Winnemucca Municipal Airport and the information provided stating that she has repeatedly come before the Boards and stated her concerns but she does not feel that she has not been heard; her belief that the property proposed for the site is part of the airport and being told numerous times that the land is not part of the airport; that it endangers the airport and that it is too close to the airport, the need to file complaints with other government entities, issues with the ignoring of questions by legal counsel and comments on City Manager Heiser as manager of the airport. Ms. Kenison provided a copy of a letter to City Manager Heiser from the U.S. Department of Transportation Federal Aviation Administration and read aloud from said letter (see attached). Ms. Kenison official requested that something be put on the agenda where all citizens can actually come and have a discussion with the Council and Commission and again referred to the letter. Ms. Kenison continued discussing what has been said and what has been ignored and suggested that the Boards can petition to the Attorney's Generals Office to get some outside legal counsel on what is going on.

Vince Mendiola offered comment on a situation which had occurred this week and his vision of how well the Winnemucca City Police Department, the Humboldt County Sheriff's Office and the Humboldt County EMS worked together stating how impressed he was and how glad he is to live in this City and County. No further public comment offered.

Consideration, discussion, and possible approval of the Humboldt County and City of Winnemucca Shared Cost Agreement that outlines a shared responsibility for services to the public for fiscal year 2023-2024. A copy of the proposed City County Cost Shared Agreement was included on the on-line agenda for review. A copy of the proposed City County Cost Share Agreement was included on the on-line agenda for review. City Manager Alicia Heiser and County Comptroller Gina Rackley appeared before the Commission.

Manager Heiser offered comment on the cost share agreement. Comptroller Rackley offered comment on the revenue reduction done due to the portion of the property tax which goes to the museum and the senior center; she continued explaining how the true up occurs. Commissioner Evatz asked if there is anything missing from the cost share agreement. Comptroller Rackley responded. Commissioner Cerri asked about the costs associated with animal control. Manager Heiser responded explaining that salaries are not included. Commissioner Cerri asked if there are records showing city/county usage for the spay/neuter program. Manager Heiser responded. Mayor Stone asked about the drop in the parks item. Manager Heiser responded. The following motion was made by Commissioner Hill and passed unanimously:

To approve the proposed cost share agreement between the City of Winnemucca and Humboldt County.
Councilmember Mendiola offered a motion on behalf of the City to accept the City County Cost Share Agreement as presented which passed.

Public Comment: Mayor Stone asked for public comment; none offered.

Adjournment: The City Council portion of the joint meeting adjourned at 9:04 a.m.

Chairman Tipton recessed the meeting at 9:05 a.m. reconvening at 9:08 a.m.

9:00 A.M. PUBLIC HEARING:

STRACK NUISANCE COMPLAINT: Consideration, discussion, and possible action per Humboldt County Code (HCC) 8.04.010, related to a nuisance complaint filed against property located at 3200 E. Donald Lane, Winnemucca, NV, Assessor's Parcel Number 14-0153-12 and owned by Bill Strack. Included on the on-line agenda was a copy of the Nuisance packet with investigation reports and a copy of the Notice of Public Hearing. Chairman Tipton read the title of the item set to public hearing. Property Owner Bill Strack appeared before the Commission and was duly sworn by the Clerk. Deputy District Attorney Bell asked that Mr. Strack report on the state of the subject property. Mr. Strack noted that he had traveled 500 miles round trip to be present at this meeting and commented on how he had obtained ownership of the property and that he uses it as a lay-up yard for mining equipment; he commented on the issues with security on this property including theft and trespassing; that they had begun clean-up when the notice had been received and that he has photos of the cleaned up property; he discussed the clean-up done noting that the trailers are gone, extra vehicles are gone but that some are not moveable and that the equipment that is there is used for his mining; he noted that both the Building Inspector and the Deputy had indicated that the clean-up looked good.

Deputy District Attorney Bell asked if the photographs were fair and accurate and when they were taken. Mr. Strack responded that they are and that they were taken within the last two weeks. Deputy District

Attorney Bell asked that the photos be circulated to the Commission. Deputy District Attorney Bell asked a series of questions to which Mr. Strack responded including the status of trash removal, what equipment is still on site including vehicles, what has been removed or what they are working on removing, the dumping of a mobile home on the property and how he is addressing that including contact with the person who dumped and his lack of response and indicated that he believes he has fully complied but that he will continue to reinforce security on the site. Clerk Spero noted the request to have representatives of the Building Department and the Sheriff's Office appear to offer testimony as to the inspections stating that the representative for the Building Department had been excused due to a prior commitment and that Captain Wilkin had voiced concern related to overtime and had indicated he would get back to the Clerk but that she had not heard from him. Chairman Tipton again called for the Complainant either in person or virtually but received no response. Deputy District Attorney Bell reviewed the nuisance code stating that it was up to the Commission to determine whether or not substantial evidence has been presented that a nuisance exists and, if so, the Commission can order the person or persons responsible for said nuisance to abate or, if the Commission, finds there is no nuisance exists the matter would be resolved; he advises that, if the Commission determines there is a nuisance, perhaps the best way is to provide more time as the property owner is attempting to clean this up with a review set. Chairman Tipton noted the clean-up done but he would like to hear when the property owner will be able to get the equipment lined up in a presentable order. Mr. Strack responded explaining the difficulties with that process and suggesting a time frame of around Thanksgiving. Commissioner Hill asked whether a person had been hired to take the mobile home down. Mr. Strack responded that it was not on his property but the debris was placed on his property. Discussion ensued regarding the issue. Commissioner Hill noted his concern with not having a business license and the lack of vehicle registration; he recognizes that quite a bit of work has been done but he wants to make sure that this is resolved and is following county code. Deputy District Attorney Bell noted the language of the Code regarding the outside storage of vehicles and equipment. Discussion ensued regarding the removal of the radiator and other parts of the vehicles/equipment. Commissioner Hill commented on his concern that the Sheriff's Office could not allow the Deputy involved with this to make an appearance as well as his concern that the complainant did not appear to offer testimony. Mr. Strack continued commenting on what is planned for the property clean up. Commissioner Hoss stated that he believes that a substantial amount of work has occurred and he thinks we should work with the property owner to allow time to clean up the site. Commissioner Evtz reiterated the issues that were identified by Commissioner Hill including the business license concern and the vehicle registration; he wants to make sure that the clean up meets Code and agreed with the

concerns that the complainant and the Sheriff's Office could not be present. Deputy Manda Howard, duly sworn, appeared before the Commission and testified as to the receipt of the complaint, her investigation, that Mr. Strack was cooperative and that it was much cleaner now. Commissioner Evatz asked if Deputy Howard had contact with the person who illegally dumped on the property. Deputy Howard responded. Commissioner Hill asked if Deputy Howard has spoken to the complainant; she indicated that she had not. Clerk Spero noted the photos provided by the complainant on Friday. Commissioner Cerri stated that she appreciated the effort to be here but by the property owner's own acknowledgement the property has not been totally abated and still has work to be done and that while he does not believe Thanksgiving is too long he would like to see it completed sooner. Mr. Strack concurred. Commissioner Cerri asked, in the Deputy's opinion, significant work has been done. Deputy Howard stated it had. Discussion ensued regarding the time frame for a report to appear on the November 20th agenda. After discussion the following motion was made by Commissioner Evatz and passed unanimously:

To continue to monitor this nuisance complaint and to afford Mr. Strack the opportunity to completely abate the issues to the full determination of officer Howard or members of the Sheriff's Department and in conjunction with the County statute and that be completed by November 13th for the appropriate posting as an agenda item for our November 20th meeting.

Mr. Strack noted that there are other properties in the area that are worse and noted the issues that have resulted in his problem with vandalism and destruction and theft; he stated that Deputy Howard has been very helpful and understanding and is an asset to this County. Mr. Strack requested that the photos presented be returned, following copying the photos were returned to Mr. Strack.

NEVADA DEPARTMENT OF TRANSPORTATION PRESENTATION: NDOT Director Tracy Larkin Thomason will present to the Commission. Director Larkin Thomason appeared before the Commission. Chairman Tipton thanked Director Larkin Thomason for participating in a tour of the rural areas of the County on Sunday. Director Larkin Thomason introduced herself to the Commission; she continued noting concerns including passing lanes throughout the State including US 95, fire breaks, noxious weeds and that the State is also watching closely the bid amounts and workforce issues. Discussion ensued regarding safety lane concerns on US 95 including the passing lane situation which has been a long-time issue, the opportunity to share staff between offices to assist with projects, how employees are assigned, how hiring is handled, a new program for student workers, State salaries, additional development which will increase traffic on US 95, the ability to obtain some farm equipment signs from Orovada to the mine and if a request has been made to the mines to assist with re-routing traffic.

Chairman Tipton stated that the Commission would move to item 10 on the agenda at this time.

HUMAN RESOURCES:

HUMAN RESOURCES DIRECTOR JOB DESCRIPTION AND SALARY RANGE: Consideration, discussion and possible approval of the Human Resources Director job description and salary range. A copy of the proposed job description and the salary range were included on the on-line agenda for review. Manager Mendiola reviewed the request for the Commission including the requirements for the position and the duties of the position. Commissioner Hoss offered alternative language as to who the position reports to asking that it be the Commission and asked that the Commission be given opportunity to provide feedback and changes. Manager Mendiola offered comment on how the process was handled in the past and his concerns with the HR person reporting to the Commission. Commissioner Hoss explained that what he is seeking is to separate the HR position, that it would work with the County Manager but not governed by the County Manager, that it needs to be a stand-alone; he commented on the employee surveys and what was indicated in those. Commissioner Evatz stated that he is not in favor of having HR report to the Commission, that the HR should report up through the County Manager and explained. Commissioner Hoss asked for clarification on what is planned for the HR department. Chairman Tipton stated that the position is being separated and will not serve as the assistant County Manager. Commissioner Hoss noted his issue with the language that the position serves at the pleasure of the County Manager or Assistant County Manager or both. Manager Mendiola stated that the language for assistant county manager can be removed but that the HR Director has to report to somebody and the only position would be the County Manager; he noted options if the County Manager had a conflict. Commissioner Hill commented that by removing the HR/Assistant County Manager that has removed one leg of the hierarchy out of there and commented on options if there is a conflict including making a policy as to what occurs if the County Manager is involved in the complaint; he stated that he believes that having HR report to the Commission is against NRS and he does not believe that is the Commission's role. Discussion ensued including the use of other sources when a conflict arises and the language of the job description as to whom the position reports to. The following motion was made by Commissioner Evatz and passed with Chairman Tipton and Commissioners Hill, Cerri and Evatz and Commissioner Hoss voting nay:

To approve the HR Director's job description and class specification with the modification as read by the County Manager with the elimination of "or assistant county manager or both" from the characteristic section.

Commissioner Hoss stated that it needs work to be done and that every time he talks about it, he gets put down by other Commissioners. Discussion ensued between Commissioner Hoss and Manager Mendiola about the process.

Manager Mendiola reviewed the proposed salary range for the Commission including the counties included in the comparison and the ranges provided, the number of employees covered by the different counties, the number of HR employees in each county, the duties covered and his recommendation for the salary range. Commissioner Cerri supported the Elko County range. Commissioner Evatz concurred but stated that it should be \$80,000.00 to \$130,000.00. Commissioner Hoss concurred with Commissioner Cerri's statement. Commissioner Hill asked about the current range. Comptroller Rackley reviewed the current range for the Assistant County Manager/HR Director. The following motion was made by Commissioner Cerri and passed unanimously:

To set the salary range for the HR Director from \$81,000.00 up to \$120,000.00.

Chairman Tipton the Commission would now go to item 11 on the agenda.

COUNTY MANAGER:

DISCUSSION REGARDING THE RECRUITMENT FOR COUNTY MANAGER DAVE MENDIOLA'S REPLACEMENT IN MARCH 2024: Consideration, discussion and possible action to establish a process and timeframe for the recruitment of a replacement for County Manager Dave Mendiola's retirement in late March 2024. P & C Recruiting and HR will introduce their company and range of services they provide as well as tentative timeline for the Commission to consider. The Commission is asked to provide direction to move forward as well as what services P & C Recruiting can provide. Rhonda Zuraff and Dana Pray of P&C Recruiting appeared before the Commission. Ms. Zuraff reviewed the services that P&C Recruiting provide, who their team is, the areas they cover including within Nevada and a proposed time-line. Manager Mendiola offered comment. Discussion ensued as to how the governing body is worked with, the use of stakeholders on the committee, that internal candidates would go through the same process, the need to see the proposed agreement, the importance of looking as far and wide for candidates, local individuals that could be involved, concerns with the County Manager being involved in the process, other recruiters should be looked at, the need to put the matter out to bid, the need to involve other individuals within the County, concerns with the time frame as it is already August, the need for knowledge about Humboldt County and the need to engage professional to help with this process sooner rather than later. Chairman Tipton suggested that if any others are interested in presenting to the Commission that should happen at the August 7th meeting with a decision being made on the 21st. Ms. Zuraff noted that they are comfortable with the RFP process. Ms. Pray responded to a question from Commissioner Cerri about working with government entities indicating how that worked noting that they just drove the process. Ms. Zuraff offered comment. Commissioner Hill concurred with Commissioner Hoss' concerns that it would be best to look at other proposals to make sure that the Board is doing the best for the County. Chairman Tipton

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reiterated his suggestion for the next two meetings. Commissioner Hoss asked if this matter needs to go out to the public. Deputy District Attorney Bell responded that this may be identified as professional services which is exempt from competitive solicitation but he will review NRS. Commissioner Evatz noted that the clock is ticking and stated his support for Chairman Tipton's suggestion. Chairman Tipton noted his involvement with this process with the Hospital and that while he thinks it is important to hear from others, he also believes that it is important that we pick someone soon so that person can work with the current Manager; he stated that we do need representation from a committee standard. Commissioner Hill noted his opinion that the cheapest method is not the best so he is more interested in hearing what services can be provided to the County as opposed to the cost. Commissioner Evatz offered comment on the search for a County Manager to replace Manager Mendiola who is retiring at the end of March. Commissioner Hoss stated that he would like to see the Chairman being contacted rather than the County Manager. Chairman Tipton respectfully disagreed as Manager Mendiola is the current manager, he is not retired and this is part of his duties; he noted his support for Commissioner Cerri being the Commission representative on the committee. Discussion ensued regarding involving the County Manager in the process and how the process for hiring works. Ms. Zuraff responded to a question from Commissioner Hoss as to what occurs if the process is unsuccessful as well as the different manners that their services can be offered. Commissioner Hill noted that the Commission needs to determine what they want so a number can be provided and so apples are compared to apples; he would like to see the independent third party, the recruiting and the soft skill assessment parts of it. Ms. Pray indicated that they could provide a proposal with the various options. Commissioner Hill confirmed that they would be willing to work with the County's HR Department and Ms. Zuraff confirmed they would. Commissioner Hoss stated that he had requested three proposals and explained. Discussion ensued. Commissioner Evatz noted, for the record, that he is a miner as it was stated in an earlier comment that there were no miners working for the County. After discussion the following motion was made by Commissioner Hill and passed unanimously:

That at the second Commission meeting in August that a proposal from P&C Recruiting with three levels of service be provided and that we reach out to at least one more group to present at the Commission's next meeting with the services they could provide and that they also provide a quote for our second meeting in August and to ask our acting HR person to reach out and see if they can find a third entity as the goal would be to have three proposals for consideration to also present at the next meeting and offer a proposal at the second meeting in August.

Chairman Tipton recessed the meeting at 10:58 a.m. reconvening at 11:06 a.m.

Chairman Tipton stated that the Commission would return to item 9 at this time.

PRESENTATION BY HUMBOLDT TELEPHONE TO PROVIDE DETAILS OF ITS OFFERINGS FOR RURAL HUMBOLDT COUNTY RELATED TO BROADBAND SERVICES: A presentation by Humboldt Telephone to provide details of its broadband services in rural Humboldt County. Randy Meade the current General Manager and DJ Sexton from Humboldt Telephone appeared before the Commission and reviewed the areas that they cover, the services they provide and the upgrades to infrastructure and network that are occurring. Discussion ensued regarding 5G availability and how it works, satellite connectivity status, the current method for providing service and how the service is provided, that Humboldt can meet the needs of the County including emergency services, schools, libraries, the cost for their services, the concerns about servicing the rural areas, the cost comparison between Zito and Humboldt, the need to look at other providers, the service areas for Humboldt Telephone,

COMPTROLLER: Comptroller Gina Rackley appeared before the Commission.

DEBT MANAGEMENT POLICY AND CAPITAL IMPROVEMENT PLAN RESOLUTION: Consideration, discussion and possible approval of the Annual Debt Management Policy and Capital Improvement Plan Resolution for 2023. Included on the on-line agenda for review was a copy of the Debt Management Policy and Capital Improvement Plan and copies of the proposed Resolutions. Comptroller Rackley reviewed the request for the Commission. After discussion the following motion was made by Commissioner Cerri and passed unanimously:

To approve and adopt the Debt Management Plan as well as the Capital Improvement Plan.

(Resolution Nos. 07-24-23 & 07-24-23a)

FINANCIAL REPORT: Humboldt County Comptroller Gina Rackley will provide an overview of current conditions with respect to Humboldt County revenues and expenditures for fiscal year 2024 (July 1, 2023 through June 30, 2024), including an update on the American Rescue Plan Act (ARPA) and other funding available to the County. Comptroller Rackley noted that this financial report is showing the first two weekly claims for the self-funded insurance plan and offered comment on the process; she explained that last week the second transfer of LTCF Funds were requested; that the Gold Country Water purchase closed last week and commented that it went pretty well. Commissioner Cerri asked if it was a given that the County would received the 4 million dollars. Comptroller Rackley responded stating yes and offering comment.

Chairman Tipton stated that the Commission would return to item 6 on the agenda.

OROVADA COMMUNITY SERVICE DISTRICT:

APPROVAL OF BID FROM SUNRISE PLUMBING & HEATING LLC FOR HVAC INSTALLATION IN THE OROVADA

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COMMUNITY HALL: Consideration, discussion, and possible approval of a bid received from Sunrise Plumbing & Heating LLC to design, build and install an HVAC system in the Orovada Community Hall in an amount not to exceed \$220,000. All costs associated with this project will come from the American Rescue Plan Act funds. Included on the on-line agenda for review was copy of the bid from Sunrise Plumbing. Comptroller Rackley appeared before the Commission and reviewed the request for the Commission noting that only one bid was received, that the amount bid is higher than the original estimate due to prevailing wage, that there are ARPA funds and she believes that it is important that we get these funds allocated and so she recommends this single bid. Commissioner Cerri disclosed for the record that Stacy Edwards is his daughter but that he does not see conflict so he will be voting on this and explained why she had been unable to appear for this meeting. Commissioner Hill stated his understanding the complexities of rural Nevada and the issues with getting contractors to go to these rural areas; he stated that he had a hard time supporting only one bid as that is concerning to him regardless if its ARPA funds or straight county funds and that his other concern is that in the RFP they listed that they would go ahead and list their subs later on in the project and that he has worked with several governmental RFP's over his tenure as a licensed contractor and it's never allowed that you list your subs later in the process, that needs to be fully disclosed; so he would not be in favor of supporting this with only one bid. Discussion ensued regarding the Denio project, that this was put out to a full proposal bid which was advertised in the newspaper, that there was not an owner rep involved, the concerns with seeking additional bids when this one has been opened and publicized, why subs need to be included in the RFP and the concerns that from the legal standpoint those need to be included. Due to the discussion Chairman Tipton stated that this matter would be tabled to allow for Sunrise to provide a list of sub-contractors and for the Comptroller to reach out to other vendors to determine why they did not bid.

Chairman Tipton recessed the meeting at 12:18 p.m. reconvening at 12:23 p.m.

PUBLIC WORKS DEPARTMENT: Director Don Kalkoske appeared before the Commission.

REQUEST TO PURCHASE MOTOR GRADER: Consideration, discussion and possible approval to purchase a New John Deere 772GP motor grader from Pape' Machinery in an amount not to exceed \$364,448.00. Director Kalkoske reviewed the request for the Commission and recommended the purchase of the John Deere machine explaining why he is recommending the higher bid as being most responsive. Discussion ensued that there are John Deere graders in the current fleet so parts are stocked, that there are few issues with these, that there will be a trade-in, that there is sufficient funds budgeted, the specs not met by Caterpillar including windows not opening and the joystick controls, whether there are other Cat units in the department, the buy-back is better from John Deere which would result in a greater reduction, the

reason for replacement due to age/repair history/cost, tire life, what the service requirements are for the five year period and the cost-savings for keeping the same equipment. (District Attorney Pasquale substituted in for Deputy District Attorney Bell).

The following motion was made by Commissioner Cerri and passed unanimously:

To approve the purchase of a new John Deere 772 GP motor grader from Pape Machinery in an amount not to exceed \$364,448.00.

GENERAL ROAD PROJECTS: A presentation by Humboldt County Public Works Director Don Kalkoske or Assistant Public Works Director Daniel Ferraro to update the Board on Road projects within Humboldt County, 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. Director Kalkoske reported on road work in various areas, the work on the logistics of taking on Gold Country Water, water line hits in the McDermitt district by contractors which has resulted in the revocation of permits and discussion as to why it happened, a landfill fire and how it was addressed and discussion with Commissioners and the Manager regarding the landfill transfer site design which will be awarded to Dowl Engineering. Discussion ensued regarding the water line issue in McDermitt including that the costs to address the issue will be billed back to the contractor. Commissioner Hill asked that Director Kalkoske report back as to what occurs with that. Chairman Tipton asked about the status of the Lambert project. Director Kalkoske responded.

APPROVAL TO RE-APPOINT DENNI BYRD TO THE NEVADA LOCAL JUSTICE REINVESTMENT COORDINATING COUNCIL: Consideration, discussion and possible action to approve the appointment of Denni Byrd as Humboldt County representative to the Nevada Local Justice Reinvestment Coordinating Council for a two-year term. Human Services Director Denni Byrd appeared before the Commission and offered comment. The following motion was made by Commissioner Hill and passed unanimously:

To appoint Denni Byrd as the Humboldt County rep to the Nevada Local Justice Reinvestment Coordinating Council for a two-year term.

SHERIFF: Sheriff Angel Cardenas appeared before the Commission.

LIQUOR BOARD: Sheriff Cardenas called the Humboldt County Liquor Board to order at 12:42 p.m. Sheriff Cardenas reviewed a request for a special liquor license on behalf of Henry Alex Dufurrena for the annual Rope for Hope event on July 15, 2023 noting that he had approved the license for this event as it was submitted too late to get on the previous agenda because this person has been approved for events in the past. The following motion was made by Commissioner Tipton, was seconded and passed unanimously:

To approve the liquor license for the thirteenth annual Rope for Hope Event that occurred on July 15, 2023.

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DISTRICT ATTORNEY'S OFFICE: District Attorney Kevin Pasquale appeared before the Commission.

ATTRITION POLICY WAIVER: Consideration, discussion and possible action to waive the attrition policy to hire for a Caseworker I/II position in the Child Support Division of the District Attorney's Office. The additional position was approved for the Fiscal Year 2023-2024. District Attorney Pasquale reviewed the request for the Commission. The following motion was made by Commissioner Evatz and passed unanimously:

To waive the attrition policy to hire a caseworker I/II position in the Child Support Division of the DA's Office.

WINNEMUCCA EVENTS COMPLEX: WCVA Director Kim Petersen appeared before the Commission.

REQUEST TO PURCHASE AND INSTALL 150 STALL MAT KITS: Consideration, discussion and possible action to approve a request to purchase and install 150 interlocking stall mat kits for the concrete block box stalls located in Barns 1A, 1B, and 1C from RAMM Horse Fencing & Stalls in the amount of \$50,179.50. Director Petersen reviewed the request for the Commission. Commissioner Hill asked if the contractor would still honor the price as the bid indicates that it is good for 72 hours. Director Petersen confirmed that the bidder would honor the price. Discussion ensued. The following motion was made by Commissioner Cerri and passed unanimously:

To approve the purchase of one hundred fifty interlocking stall mats from RAMM Horse Fencing and Stalls in the amount of \$50,179.50.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

1) Other information and upcoming meetings: The following upcoming meetings were noted by Chairman Tipton: July 25, 2023 Humboldt General Hospital Board Meeting, August 7, 2023 Humboldt County Board of Commissioners Meeting, August 10, 2023 Regional Planning Committee Meeting, August 14, 2023 Winnemucca City Council Meeting, August 21, 2023 Humboldt County Board of Commissioners Meeting and August 22, 2023 Humboldt General Hospital Board Meeting.

Reports from Commissioners regarding other Boards and Committees on which they serve: Commissioner Hill offered no report. Commissioner Hoss reported on a Museum Board meeting. Commissioner Evatz noted an upcoming meeting of SLUPAC and noted a letter of response from the Nevada Mining Association related to the Conservation Rule which he wanted to go to the other Commissioners. Commissioner Cerri reported on a WCVA meeting and noted a public meeting occurring tonight on an EA/EIS related to lithium mining in the McDermitt area. Chairman Tipton reported on his work with Ms. Rieber on the WestSide solar comments and noted an upcoming Hospital Board meeting and a NACO meeting.

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FUTURE AGENDA ITEMS: Whether an item will be placed on a future agenda will be subject to the chairman and/or legal counsel's determination. Manager Mendiola identified follow up on the public hearing for the nuisance on November 20th, other recruitment companies for the August 7th meeting, the Orovada HVAC will be brought back with the requested additional information. He noted that the BLM Winnemucca District Manager would be appearing before the Commission on the 7th. Commissioner Cerri asked to be included in the BLM call tomorrow to discuss the follow-up on the fire breaks along US 95. Commissioner Evatz asked about having an IT and Buildings & Grounds updates as well as an update from DOWL related to the sewer tie-in with the City. Manager Mendiola stated that would be coming

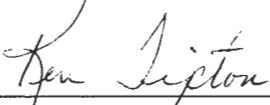
PUBLIC COMMENT: Chairman Tipton asked for public comment. Christine Kenison appeared before the Commission and formally requested that the Commission place an item on the agenda for discussion/possible action for the Commission to request a legal opinion from the Attorney General as to the county's liability/authority/duty concerning the Winnemucca Municipal Airport, the joint airport agreement, the shared joint Airport Board, current zoning uses for the airport industrial district concerning the proposed lithium project on airport land, possible conditional use permits and the airport hazard combining district zoning.

Commissioner Evatz congratulated the local organizations that hosted the All-Star Tournament and stated that he would like to hear an update on the graffiti on the courthouse; he offered comment on the expansion of the shooting park and the efforts of the Nevada Muley organization in reading the pads for the 1000-yard shooting area.

Sheriff Cardenas appeared before the Commission and thanked them for billboard they approved and provided a photo of it; he continued discussing National Night Out on August 1st.

ADJOURNMENT: Chairman Tipton adjourned the meeting at 1:07 p.m.

ATTEST: 
Clerk

APPROVED: 
Chairman

(Minutes approved by the Commission and signed by the Chairman on 11-20-2023.)

Notice of Public Meeting
Humboldt County Board of Commissioners & City of Winnemucca City Council Joint
Meeting
Monday, July 24, 2023
8:30 AM

Humboldt County Courthouse Meeting Room 201
50 West 5th Street
Winnemucca, Nevada 89445

VIRTUAL AND IN PERSON
Commission Meeting Room is Open

FOR TELECONFERENCE OR VIDEO CONFERENCE ACCESS

Click here to join the meeting:
JOIN

Or by phone: +1 775-446-0241, Conference ID: 486 569 127#

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.

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. APPROVAL OF MINUTES (FOR POSSIBLE ACTION)

Discussion and action on correction/approval of minutes for discussion and action on correction/approval of minutes for March 27, 2017 (Budget Hearing); April 3, 2017; May 1, 2017 (Joint); May 15, 2017; June 19, 2017; July 10, 2017; August 7, 2017 (Joint); August 21, 2017; December 11, 2017 (Joint); January 16, 2018; January 29, 2018 (Retreat); February 5, 2018; February 20, 2018; March 5, 2018; April 2, 2018 (Budget Hearing); April 9, 2018; August 6, 2018; August 20, 2018; September 17, 2018; October 1, 2018; October 15, 2018; March 18, 2019; March 25, 2019 (Budget Hearings); April 1, 2019; May 6, 2019; May 15, 2019 (Special); May 20, 2019; June 3, 2019; June 17, 2019; June 25, 2019 (Special); August 5, 2019; August 19, 2019; September 3, 2019; September 16, 2019; October 21, 2019; November 4, 2019; November 25, 2019 (Special); December 16, 2019; January 6, 2020; January 21, 2020 (Combined Regular and Retreat); February 3, 2020; March 2, 2020; March 19, 2020; April 6, 2020; April 14, 2020 (Special); April 20, 2020; May 4, 2020; June 15, 2020 (Joint); July 17, 2020 (Special Joint); July 20, 2020; August 17, 2020; August 20, 2020 (Special Meeting); September 8, 2020; September 21, 2020; September 30, 2020 (Special); October 5, 2020 (Special Joint Meeting); October 19, 2020; November 9, 2020; November 13, 2020 (Special Canvass); November 23, 2020; December 14, 2020; January 4, 2021; January 25, 2021 (Special Meeting); February 8, 2021; February 22, 2021 (Special Joint Meeting); February 22, 2021; March 22, 2021; March 29, 2021 (Budgets); April 8, 2021 (Special Meeting); June 21, 2021; July 19, 2021; August 9, 2021; August 12, 2021 (Special Meeting); August 23, 2021; September 20, 2021; November 8, 2021; and November 22, 2021; January 3, 2022; January 24, 2022 (Commission Retreat), March 7, 2022, March 21, 2022; May 2, 2022; May 16, 2022; September 19, 2022 (Regular Meeting); November 7, 2022; November 21, 2022; December 12, 2022; February 21, 2023; March 20, 2023; March 27 & 28, 2023 (Budget Hearing); May 1, 2023, and July 10, 2023. Discussion and possible action.

5. APPROVAL OF EXPENDITURES FOR HUMBOLDT COUNTY FOR JULY 10, 2023, THROUGH JULY 24, 2023 (FOR POSSIBLE ACTION)
6. 8:45 A.M - JOINT CITY OF WINNEMUCCA AND HUMBOLDT COUNTY COMMISSION: APPROVAL OF SHARED COST AGREEMENT FOR FISCAL YEAR 2023-2024 (FOR POSSIBLE ACTION)
 1. Call to Order
 2. Public Comment
 3. Consideration, discussion, and possible approval of the Humboldt County and City of Winnemucca Shared Cost Agreement that outlines a shared responsibility for services to the public for fiscal year 2023-2024. Discussion and possible action.
 4. Public Comment
 5. Adjournment
- 6.A) Staff Memo - Cost Share Agreement
Staff Report Cost Share Agreement.pdf

City County Cost Shared Agreement 2024.pdf

7. 9:00 A.M. PUBLIC HEARING - STRACK NUISANCE COMPLAINT (FOR POSSIBLE ACTION)

Consideration, discussion, and possible action per Humboldt County Code (HCC) 8.04.010, related to a nuisance complaint filed against property located at 3200 E. Donald Lane, Winnemucca, NV, Assessor's Parcel Number 14-0153-12 and owned by Bill Strack. Discussion and possible action.

7.A) Clerk - Strack Nuisance
Complaint Commission
Packet - Strack.pdf Notice of
Public Hearing.pdf

8. NEVADA DEPARTMENT OF TRANSPORTATION PRESENTATION (FOR INFORMATION ONLY)

NDOT Director Tracy Larkin Thomason will present to the Commission. Information only.

9. HUMAN RESOURCES: HUMAN RESOURCES DIRECTOR JOB DESCRIPTION AND SALARY RANGE (FOR POSSIBLE ACTION)

Consideration, discussion and possible approval of the Human Resources Director job description and salary range. Discussion and possible action.

9.A) Human Resources Director Job Description and Salary Range
Agenda Request HR Job Description-Salary Survey 07-24-
23.pdf 20230630 DRAFT - Human Resources Director Job
Description.pdf HR Director Salary Range 23-24.pdf

10. COUNTY MANAGER: DISCUSSION REGARDING THE RECRUITMENT FOR COUNTY MANAGER DAVE MENDIOLA'S REPLACEMENT IN MARCH 2024. (FOR POSSIBLE ACTION)

Consideration, discussion and possible action to establish a process and timeframe for the recruitment of a replacement for County Manager Dave Mendiola's retirement in late March 2024. P & C Recruiting and HR will introduce their company and range of services they provide as well as tentative timeline for the Commission to consider. The Commission is asked to provide direction to move forward as well as what services P & C Recruiting can provide. Discussion and possible action.

10.A) Staff Memo - P & C Recruiting

Agenda Request P&C Recruiting-Co Mgr 07-24-23.pdf
Humboldt County Manager Search Timeline.pdf
22-23 brochure P&C.pdf

11. PRESENTATION BY HUMBOLDT TELEPHONE TO PROVIDE DETAILS OF ITS OFFERINGS FOR RURAL HUMBOLDT COUNTY RELATED TO BROADBAND SERVICES. FOR INFORMATION ONLY.

A presentation by Humboldt Telephone to provide details of its broadband services in rural Humboldt County. Informational Only.

11.A) Humboldt Telephone Presentation

Agenda Request-Humboldt Telephone-07-24-

23.pdf 11.B) Humboldt Telephone

12. COMPTROLLER: DEBT MANAGEMENT POLICY AND CAPITAL IMPROVEMENT PLAN RESOLUTION (FOR POSSIBLE ACTION) AND FINANCIAL REPORT (INFORMATIONAL ONLY)

A. Consideration, discussion and possible approval of the Annual Debt Management Policy and Capital Improvement Plan Resolution for 2023. Discussion and possible action.

B. Humboldt County Comptroller Gina Rackley will provide an overview of current conditions with respect to Humboldt County revenues and expenditures for fiscal year 2024 (July 1, 2023 through June 30, 2024), including an update on the American Rescue Plan Act (ARPA) and other funding available to the County. Information Only.

12.A) Comptroller - Annual Debt Management Policy and CIP FY 2023

Staff Report Debt Mgmt Policy and CIP.pdf

Debt Mgmt Policy Resolution 2023.pdf

DMP Annual Update 23.pdf

CIP Resolution FY 2023.pdf

Capital Improvement Plan 2023.pdf

13. OROVADA COMMUNITY SERVICE DISTRICT: APPROVAL OF BID FROM SUNRISE PLUMBING & HEATING LLC FOR HVAC INSTALLATION IN THE OROVADA COMMUNITY HALL (FOR POSSIBLE ACTION)

Consideration, discussion, and possible approval of a bid received from Sunrise Plumbing & Heating LLC to design, build and install an HVAC system in the Orovada Community Hall in an amount not to exceed \$220,000. All costs associated with this

project will come from the American Rescue Plan Act funds. Discussion and possible action.

- 13.A) Orovada Community Service District HVAC Request
Staff Report HVAC in Orovada Community
Hall.pdf Sunrise Plumbing Orovada Bid.pdf
RFP Orovada HVAC.pdf

14. PUBLIC WORKS DEPARTMENT: REQUEST TO PURCHASE MOTOR GRADER
(FOR POSSIBLE ACTION) GENERAL ROAD PROJECTS (FOR INFORMATION
ONLY)

- A. Consideration, discussion and possible approval to purchase a New John Deere 772GP motor grader from Pape' Machinery in an amount not to exceed \$364,448.00. Discussion and possible action.
- B. A presentation by Humboldt County Public Works Director Don Kalkoske or Assistant Public Works Director Daniel Ferraro to update the Board on Road projects within Humboldt County, 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.

- 14.A) Staff Memo - Motor Grader Purchase
Staff Report Motor Grader 07242023.pdf

15. APPROVAL TO RE-APPOINT DENNI BYRD TO THE NEVADA LOCAL JUSTICE
REINVESTMENT COORDINATING COUNCIL (FOR POSSIBLE ACTION)
Consideration, discussion and possible action to approve the appointment of Denni
Byrd
as Humboldt County representative to the Nevada Local Justice Reinvestment
Coordinating Council for a two-year term. Discussion and possible action.

- 15.A) Denni Byrd Appointment - 7-24-2023
Denni Byrd appointment_7-24-2023.pdf
23.25 NLJRCC Appt Rx Humboldt.pdf

16. SHERIFF: LIQUOR BOARD (FOR POSSIBLE ACTION)

Sheriff Cardenas is requesting that the Humboldt County Liquor Board be convened for consideration, discussion and possible approval of the following:

- A. Sheriff Cardenas is requesting a special liquor license on behalf of Henry Alex Dufferrena for the 13th Annual Rope for Hope event on July 15th, 2023.
PLEASE NOTE: Sheriff Cardenas has approved this license for this event as it was brought to us too late to get on the previous Agenda. This person has been approved for events in the past. Discussion and possible action.

16.A) Sheriff - Liquor Board
Staff Report Liquor License Special - Rope for Hope.pdf

17. DISTRICT ATTORNEY'S OFFICE: ATTRITION POLICY WAIVER (FOR POSSIBLE ACTION)

Consideration, discussion and possible action to waive the attrition policy to hire for a Caseworker I/II position in the Child Support Division of the District Attorney's Office. The additional position was approved for the Fiscal Year 2023-2024. Discussion and possible action.

17.A) District Attorney - Attrition Waiver
Staff Memo - DA Attrition
Waiver.pdf

18. WINNEMUCCA EVENTS COMPLEX: REQUEST TO PURCHASE AND INSTALL 150 STALL MAT KITS (FOR POSSIBLE ACTION)

Consideration, discussion and possible action to approve a request to purchase and install 150 interlocking stall mat kits for the concrete block box stalls located in Barns 1A, 1B, and 1C from RAMM Horse Fencing & Stalls in the amount of \$50,179.50. Discussion and possible action.

18.A) WEC - Stall Mats Purchase
WEC Stall Mats Agenda Request Packet.pdf

19. MISCELLANEOUS REPORTS AND CORRESPONDENCES

1. Other information and upcoming meetings:

July 25, 2023 Humboldt General Hospital Board Meeting
August 7, 2023 Humboldt County Board of Commissioners Meeting
August 10, 2023 Regional Planning Committee Meeting
August 14, 2023 Winnemucca City Council Meeting
August 21, 2023 Humboldt County Board of Commissioners Meeting
August 22, 2023 Humboldt General Hospital Board Meeting

2. Reports from Commissioners regarding other Boards and Committees on which they serve, including POOL/PACT Board, National Wild Horse & Burro Advisory Board, Nevada Association of Counties (NACO), Regional Airport Board, Humboldt River Basin Water Authority (HRBWA), Western Interstate Region (WIR), Legislative Interim Land Council, Humboldt Development Authority (HDA), Winnemucca Visitors & Convention Authority (WCVA), Hospital Board, Humboldt Foundation, Humboldt County Elk Planning Steering Committee, Paradise Conservation District and the State Land Use Planning Advisory Council (SLUPAC).

20. FUTURE AGENDA ITEMS:

Whether an item will be placed on a future agenda will be subject to the chairman and/or legal counsel's determination.

21. PUBLIC COMMENT:

Public Comments: 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.

22. ADJOURNMENT

23. NOTICE

The County Commission may close the meeting to receive information from legal counsel pursuant to Nevada Revised Statutes 241.015.

The public is welcome to attend the meeting electronically via Microsoft Teams or by appearing in person at the Humboldt County Courthouse Meeting Room 201 50 West Fifth Street, Winnemucca, Nevada 89445 at the time and date listed on the top of the agenda. There will be a physical location for the meeting; however, the meeting may be accessed electronically through an internet connection at Microsoft Teams link located on the first page of this agenda.

Members of the public may make a public comment at the meeting without being physically present by emailing publiccomment@humboldtcountynv.gov prior to 8:00 a.m. on the day of the meeting and messages received will be transcribed for entry into the record and provided to the Board for review. Members of the public may also make a public comment at the meeting without being physically present by accessing the meeting through the internet connection at Microsoft Teams link above.

Staff reports and supporting material posted for the meeting are available on the Humboldt County website at <https://www.humboldtcountynv.gov/> (click on the "Government" link on the home page) if that information was available when the agenda was posted. If the supporting material/ staff report is not included in the agenda packet, it is available to the general public at the same time the materials are provided to the Board. The administrative assistant at the County Manager's Office located at 50 West 5th Street, Winnemucca, Nevada, telephone number 775- 623- 6300 is the designated person from whom a member of the public may request the supporting material for this meeting and the County Manager's Office is the location where the supporting material is available to the public.

CERTIFICATE OF POSTING

PLACES POSTED: Humboldt Co. Courthouse, 50 W. 5th St.: Rooms 201, 205, & 207 at 9:00 A.M. By: MC

Humboldt County Website: <https://www.humboldtcountynv.gov> at _____ A.M. By: _____

State of Nevada Website: www.notice.nv.gov _____ A.M. By: _____

MEETING DATE: July 24, 2023

DATE POSTED: July 19, 2023 POSTED BY: MICHELLE COOK

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 or by contacting the County Manager's Office, at 50 W. Fifth Street, Winnemucca, Nevada 89445, (775) 623-6300.

NOTICE TO PERSONS WITH DISABILITIES - Reasonable efforts will be made to assist and accommodate physically disabled persons desiring

to attend the meeting. Please call the Humboldt County Administrator's Office at 623-6300 in advance so that arrangements may be conveniently made. **EQUAL OPPORTUNITY NOTICE** - Humboldt County is an Equal Opportunity Employer and will not discriminate against employees or applicants for employment or services in an unlawful manner.

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.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should Contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-9339. 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 online at 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, D.C. 20250-9410;

fax: (202) 690-7422; or

email: intake@usda.gov

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of Airports
Phoenix Airports District Office

3800 N. Central Avenue
Suite 1025, 10th Floor
Phoenix, AZ 85012

July 20, 2023

Ms. Alicia Heiser, City Manager
City of Winnemucca
Winnemucca Municipal Airport
90 West Fourth Street
Winnemucca, NV 89445

sent via email – manager@winnemuccacity.org

Proposed Transloading Facility Winnemucca Municipal Airport (WMC)

Dear Ms. Heiser:

Over the past several months, this office has received numerous inquiries on the transloading facility proposed to be constructed adjacent to WMC. The inquiries and questions have come from citizens in the City of Winnemucca. While these inquiries do not meet the technical requirements outlined in 14 Code of Federal Regulations Part 13, *FAA Investigative and Enforcement Procedures*, we view the questions as legitimate and worthy of a response from the City of Winnemucca.

Background

Based on information previously provided by the City of Winnemucca, our understanding is the proposed transloading facility is in support of Lithium Nevada's mining activities. The transloading facility is proposed to be constructed on land that is part of the Winnemucca Municipal Airport (WMC), specifically Parcel B3 and a portion of Parcel B2. Both parcels are owned by the City of Winnemucca, with Parcel B3 deemed non-aeronautical use and Parcel B2 deemed aeronautical use in accordance with the May 26, 2015 Airport Master Plan/Airport Layout Plan.

A Section 163 Determination was completed in March of 2023 (see Attachment A), and it was determined that the FAA lacks legal authority to approve or disapprove changes to the WMC ALP for the proposed project. However, the FAA does retain the authority to regulate the Land Use on Parcel B2, including compliance with the National Environmental Policy Act (NEPA). We call your attention to pages 2 – 4 of the previously mentioned Section 163 Determination. To date, this office has not received any information from the City of Winnemucca as stated in this document.

Questions

This office is requesting a formal, written response from the City of Winnemucca on the questions below:

- 1) Who owns Lithium Americas/Lithium Nevada and where will the mining products go?
- 2) What is the end product? Lithium or sulfuric acid? Or both? And what will you do with it?
- 3) Are the processes proven?
- 4) What are the amounts of materials by type and quantity that will pass through the transfer station? How will these amounts change as the project ramps up?
- 5) What state and federal agencies will regulate the process?
- 6) Who will do the Lithium trucking? The company or a contractor, and if a contractor, who?
- 7) Where will the heating of sulfur take place? And what will the process entail?
- 8) How many railcars will be at the siding and what will they contain? What are the hazards of that and how will you prepare for accidents?
- 9) Will this create jobs for the community? If so, how many and what pay level?
- 10) Will the trucks be enclosed/tarped? Will the rail cars be enclosed?
- 11) What alternate sites have you evaluated for the Transloading Terminal? Are you willing to accept recommendations?
- 12) How much water will the process at the airport consume and where will the water rights come from? How many do you have and where did you acquire them?
- 13) Has the railroad commented on the transfer station?
- 14) What is the impediment for the airport or airport traffic? Who governs this?
- 15) What routes will the trucks travel? State, county, or federal roads?
- 16) Do you have a design showing safety features?
- 17) If problems arise, who will be accountable? Will they put a “good neighbor policy” in place with the community?
- 18) Have you met with the communities, or are you planning to meet in person to cover the community concerns?
- 19) Will you provide any road maintenance besides just taxes?

Your formal, written response is requested to be received by this office no later than August 28, 2023. We also request that your response be transmitted to the interested City of Winnemucca citizen below.

We look forward to your response.

Sincerely,

**MICHAEL N
WILLIAMS**

Mike N Williams, A.A.E.
Manager
Phoenix Airports District Office

Digitally signed by MICHAEL N
WILLIAMS
Date: 2023.07.20 08:22:49 -07'00'

Enclosures:

(A) FAA Section 163 Determination, March 24, 2023

cc: Jamie Nicotera
5870 W Rose Creek Road
Winnemucca, NV 89445
kevinjami@msn.com



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of Airports
Phoenix Airports District Office

3800 N Central Avenue
Suite 1025, 10th Floor
Phoenix, AZ 85012

March 24, 2023

Sent via email – manager@winnemuccacity.org

Alicia Heiser
City Manager/Engineer
City of Winnemucca
90 W. 4th Street
Winnemucca, Nevada 89445

Dear Ms. Heiser:

Re: FAA Approval Authority Review – Winnemucca Municipal Airport (WMC) – Railroad Transfer Station

The City of Winnemucca has requested the Federal Aviation Administration (FAA) conduct a Section 163 analysis to determine the Agency's approval authority regarding the development of a proposed railroad transfer station. The proposed development is located on land that is part of the Winnemucca Municipal Airport (WMC). See Attachment 1 for additional information.

Recent changes in federal law have required the FAA to revisit whether FAA approval is needed for certain types of airport projects throughout the nation. On October 5, 2018, HR 302, the "FAA Reauthorization Act of 2018" (the Act) was signed into law (P.L. 115-254). In general, Section 163(a) limits the FAA's authority to directly or indirectly regulate an airport operator's transfer or disposal of certain types of airport land. However, Section 163(b) identifies exceptions to this general rule. The FAA retains authority:

1. To ensure the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;
2. To regulate land or a facility acquired or modified using federal funding;
3. To ensure an airport owner or operator receives not less than fair market value (FMV) in the context of a commercial transaction for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities;
4. To ensure that that airport owner or operator pays not more than fair market value in the context of a commercial transaction for the acquisition of land or facilities on such land;
5. To enforce any terms contained in a Surplus Property Act instrument of transfer; and

6. To exercise any authority contained in 49 U.S.C. § 40117, dealing with Passenger Facility Charges.

In addition, Section 163(c) preserves the statutory revenue use restrictions regarding the use of revenues generated by the use, lease, encumbrance, transfer, or disposal of the land, as set forth in 49 U.S.C. §§ 47107(b) and 47133.

Section 163(d) of the Act limits the FAA's review and approval authority for Airport Layout Plans (ALPs) to those portions of ALPs or ALP revisions that:

1. Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
2. Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
3. Adversely affect the value of prior Federal investments to a significant extent.

Proposed Project

The request by the City of Winnemucca is for approximately 177 acres, referred to as Parcel B-3, which was originally conveyed to the City of Winnemucca by the U.S. Department of the Interior, Bureau of Land Management (BLM), pursuant to Land Patent #27-2008-2007 on February 22, 2008. The land patents maintain provisions and rights, which the City of Winnemucca must comply with. See Attachment 2 for additional information.

Parcel B-3 is shown as Non-Aeronautical in the May, 26, 2015 Airport Master Plan/Airport Layout Plan.

As outlined in the City's May 20, 2021 request, the primary location of the project would be on Parcel B-3. The proposed railroad transfer station will allow for materials to be transferred from rail to truck and vice versa, in support of local mining activities. The proposed development will include a railroad spur, material loading facilities, an administration building and other site improvements. The City of Winnemucca is currently coordinating activities with a private developer for the full design, construction and development of the facility.

As part of the project, the City is proposing an access roadway be constructed to provide vehicle access to and from the rail transfer facility, utilizing a portion of adjacent Parcel B-2. Parcel B-2 is approximately 217.5 acres in size and was originally conveyed to the City of Winnemucca by the U.S. Department of the Interior, Bureau of Land Management, pursuant to Land Patent #27-81-0030 on December 15, 1980. See Attachment 3 for additional information.

Parcel B-2 is designated as Aeronautical Use in the May 26, 2015 Airport Master Plan/Airport Layout Plan.

The City of Winnemucca intends to retain ownership of both parcels and will execute a lease, with conditional renewal options in coordination with FAA concurrence. The FAA is available to review and comment on a DRAFT lease agreement upon request by the City of Winnemucca. The private developer is responsible for negotiating and discussing all project activities, fees, agreements, coordination activities and contracts with the Union Pacific Railroad, and for discussing and coordinating all related activities with the Federal Railroad Administration for the development of the railroad spur, and rights and access to existing railroad trackage. The City of Winnemucca shall ensure that coordination with any other parties with oversight and/or approval of the project shall occur.

The City of Winnemucca shall take all prudent steps necessary to ensure compatible land use with the proposed project and that no impacts and/or restrictions to WMC shall occur.

Determination Regarding the Airport Layout Plan

For the purpose of determining whether the proposed project requires FAA ALP approval, the FAA has determined that the proposed project would have no material impact on aircraft operations, at, to or from the airport; would not affect the safety of people and property on the ground related to aircraft operations, and would not have an adverse effect on the value of prior Federal investments to a significant extent. Therefore, the FAA lacks the legal authority to approve or disapprove changes to the WMC ALP for the proposed project.

FAA's Authority to Regulate Land Use

Parcel B-3 was acquired in 2008 through a patent issued by the BLM. The land patents maintain provisions and rights, which the City of Winnemucca must comply with. However, the patents do not contain any terms, conditions, or covenants for aeronautical use and the proposed project will not impact the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations. Therefore, the FAA lacks the authority to regulate the use of the land associated with the project.

Parcel B-2 was acquired in 1980 through a patent issued by BLM. This land patent states the intended use of Parcel B-2 is for airport and aeronautical purposes only, a decision may be made by FAA on whether a specific use is permissible to allow for non-aeronautical ground development. See Attachment 3 for additional information.

The FAA considers the proposed access roadway to be a non-aeronautical land use. Title 49 U.S. Code, §47153(c) requires the FAA to provide notice to the public, for not less than 30 days, prior to waiving any condition. Therefore, under Section 163(b) of the Act, the FAA has the legal authority to approve or disapprove the proposed non-aeronautical use. A release request from

aeronautical use restrictions from the City of Winnemucca in accordance with FAA Order 5190, Chapter 22, for Parcel B-2 is required.

Applicability of the National Environmental Policy Act (NEPA)

The FAA's authority to approve a release of the sponsor's federal obligations for the subject parcel is a federal action subject to NEPA. As a result, the sponsor will be required to perform an appropriate environmental review consistent with NEPA. Please contact the Phoenix Airports District Office (PHX ADO) for guidance on preparing the environmental document for these actions.

Sponsor Obligations Still In Effect

This determination only addresses FAA's approval authority for this project. It is not a determination that the project complies with the sponsor's federal grant assurances. The sponsor must continue to comply with all of its Federal grant obligations, including but not limited to Grant Assurance #5, Preserving Rights and Powers; Grant Assurance #19, Operation and Maintenance; Grant Assurance #20, Hazard Removal and Mitigation; Grant Assurance #21, Compatible Land Use; and Grant Assurance #25 Airport Revenue.

Section 163 and Grant Assurance 25 require the airport sponsor to receive not less than fair market value for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities. The sponsor must ensure that all revenues generated as a result of this project may only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport.

The sponsor also has the responsibility to comply with all federal, state, and local environmental laws and regulations. Additionally, Grant Assurance 29 still requires the airport to update and maintain a current ALP. An updated ALP should be submitted to the PHX ADO if the project is completed.

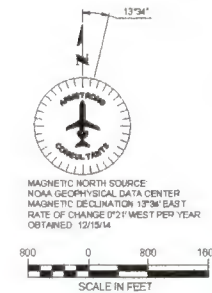
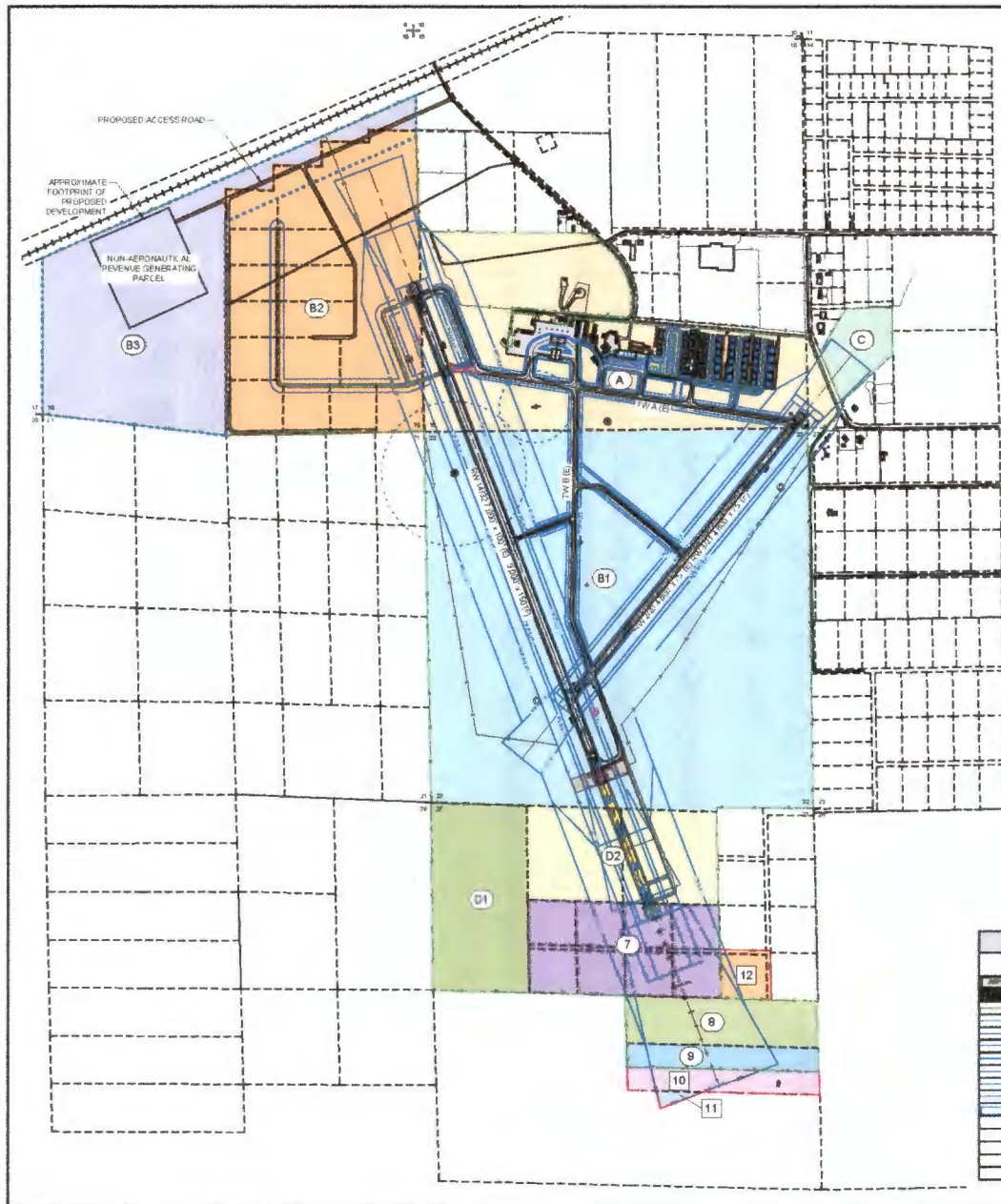
This is a preliminary determination, and does not constitute a final agency action or an "order issued by the Secretary of Transportation" under 49 U.S.C. §46110.

We understand this proposed project is of importance to the City of Winnemucca and it's citizens. We trust this information will assist the City in analyzing the project to ensure it meets the obligations of the City of Winnemucca. If you have any questions, please contact Kenneth Hall, Community Planner at 602-792-1074 or via email to Kenneth.p.hall@faa.gov.

Sincerely,

Mike N. Williams, A.A.E.
Manager

Cc: FAA Grant File
Victor Globa, AWP-620-Compliance
Esther McCullough, Bureau of Land Management



MAGNETIC NORTH SOURCE:
NOAA GEOPHYSICAL DATA CENTER
MAGNETIC DECLINATION 13°30' EAST
RATE OF CHANGE 0°21' WEST PER YEAR
OBTAINED: 12/15/14

EXISTING AIRPORT PROPERTY						
PARCEL	CURRENT OWNER	INTEREST	BOOK/PAGE	DATE	ACREAGE	FEDERAL PARTICIPATION
A	CITY OF WINNEMUCCA	FEE SIMPLE		08/14/2	258a	NONE
B1	CITY OF WINNEMUCCA	FEE SIMPLE	148 / 18	12/19/80	540a	NONE
B2	CITY OF WINNEMUCCA	FEE SIMPLE	146 / 16	12/19/80	217.5a	NONE
B3	CITY OF WINNEMUCCA	FEE PATENT 27-2008-0007	2008 / 2843	02/20/08	177.3a	NONE
C	CITY OF WINNEMUCCA	FEE SIMPLE	178 / 480	08/19/83	19.5a	NONE
D1	CITY OF WINNEMUCCA	FEE SIMPLE	188 / 285	08/19/84	80a	NONE
D2	CITY OF WINNEMUCCA	FEE SIMPLE	330 / 26	01/19/94	80a	NONE
7	CITY OF WINNEMUCCA	FEE SIMPLE	2010 / 7	5/20/10	78.5a	3-32-0021-018-2013
8	CITY OF WINNEMUCCA	FEE SIMPLE	2010 / 224	05/20/10	40a	3-32-0021-018-2013
9	CITY OF WINNEMUCCA	FEE SIMPLE	2010 / 2305	05/20/10	20a	3-32-0021-018-2013

PROPERTY TO BE ACQUIRED				
PARCEL	INTEREST	PARCEL #	AC.	PURPOSE
10	FEE SIMPLE	3437-27-400-003	19.8a	APPROACH PROTECTION
11	EASEMENT	3437-27-300-001	1.8a	APPROACH PROTECTION
12	FEE SIMPLE	3537-27-200-012	9.0a	APPROACH PROTECTION

LEGEND					
EXISTING	FUTURE	DESCRIPTION	EXISTING	FUTURE	DESCRIPTION
ASPHALT / CONCRETE		AIRFIELD DEVELOPMENT	XXXX	XXXX	THRESHOLD LIGHTS
		STRUCTURE/FACILITIES (BUILDING)			REIL
		AIRPORT PROPERTY LINE (APL)			VAS/RAP
		RUNWAY SAFETY AREA (RSA)			AIRPORT BEACON
		OBSTACLE FREE ZONE (OFZ)			HAND CURB & SEGMENTED CIRCLE
		RUNWAY OBJECT FREE AREA (ROFA)			ASIS
		RUNWAY PROTECTION ZONE (RPZ)			LIGHTED WIND CONE
		BUILDING RESTRICTION LINE (BRL)			SECTION CORNER
		TAXIWAY SAFETY AREA (TSA)			ORANGE/ULVERT
		TAXIWAY OBJECT FREE AREA (TOFA)			CONTOUR
		RUNWAY VISIBILITY ZONE (RVZ)			ROADS
		AIRPORT REFERENCE POINT (ARP)			MARKINGS
		PAC'SSAC'S MONUMENT			FENCING
		TO BE REMOVED			HELIPAD
		PRECISION OBSTACLE FREE ZONE			SYM. OMNIDIRECTIONAL RANGE (VORT)
		POWER/TELEPHONE POLE			WALSR

ARMSTRONG

WINNEMUCCA MUNICIPAL AIRPORT
WINNEMUCCA, NEVADA

AIP No. 3-32-0021-019-2013
AIRPORT LAYOUT PLAN

EXHIBIT "A"
AIRPORT PROPERTY INVENTORY MAP

Sheet 10 of 11

Form 1860-9
(January 1988)

The United States of America

To all to whom these presents shall come, Greeting:

Patent

N-66141

WHEREAS

CITY OF WINNEMUCCA, a Nevada municipal corporation

is entitled to a land patent pursuant to Section 203 and Section 209 of the Act of October 21, 1976 (43 U.S.C. 1713 and 1719, respectively), as amended, for the following described land:

Mount Diablo Meridian, Nevada

T. 35 N., R. 37 E.,
sec. 16, Lots 3, 12, 15 to 19, inclusive, 22, and 23.

Containing 177.31 acres, more or less.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the CITY OF WINNEMUCCA, a Nevada municipal corporation, the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the CITY OF WINNEMUCCA, a Nevada municipal corporation, its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way for ditches or canals by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945); and
2. Oil, gas, geothermal resources in the land so patented, and to it, its permittees, licensees, and lessees retain the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

SUBJECT TO:

1. Valid existing rights; and

Patent Number 27 - 2008 - 0007

N-66141

Page 2 of 2

2. Rights-of-way N-41642 and Nev-042767 for power line purposes granted to Sierra Pacific Power Company, its successors or assigns, pursuant to the Acts of October 21, 1976 (43 U.S.C. 1761) and March 4, 1911 (43 U.S.C. 961), respectively.

By accepting this patent, the patentee, the CITY OF WINNEMUCCA, a Nevada municipal corporation, agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, or future acts or omissions of the patentee, its employees, agents, contractors, lessees, or any third-party arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property resulting in (1) Violations of Federal, State, and local laws and regulations that are now, or in the future become, applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), pollutant(s) or contaminants(s), and/or petroleum product(s) or derivative(s) of a petroleum product, as defined by Federal and State environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) Other activities by which solid or hazardous substance(s), pollutant(s) or contaminants(s), and/or petroleum product(s) or derivative(s) of a petroleum product, or waste(s), as defined by Federal and State environmental laws, are generated, released, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substance(s) or waste(s), pollutant(s) or contaminants(s), and/or petroleum product(s) or derivative(s) of a petroleum product; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

PURSUANT to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances has been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in RENO, NEVADA, the TWENTY-SECOND day of FEBRUARY in the year of our Lord TWO THOUSAND and EIGHT and of the Independence of the United States the Two Hundred and Thirty-Second.

[SEAL]

By



Jim Stobaugh

Lands Team Lead

Natural Resources, Lands, and Planning

Patent Number 27 - 2008 - 0007

BOOK 146 PAGE 16 FRAME 1

N-16651

The United States of America

To all to whom these presents shall come, Greeting:

The UNITED STATES OF AMERICA, acting through the Director, Bureau of Land Management, Department of the Interior, pursuant to the authority contained in Section 23 of the Airport and Airway Development Act of 1970, approved May 21, 1970 (84 Stat. 232; 49 U.S.C. 1723), section 1.18 of Part 235 of the Department of the Interior Manual, and in conformity with Executive Order No. 12079 of September 18, 1978 (FR DOC. 78-26599, 43 F.R. 183), and section 0.67 of Title 28 of the Code of Federal Regulations (Order No. 468.71 of the Attorney General of October 9, 1971; 36 F.R. 20428), hereby gives and grants a patent to the City of Winnemucca, Nevada and to its successors in function, for the following described land:

Mount Diablo Meridian, Nevada

T. 35 N., R. 37 E.

sec. 16, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ WM:SE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ P:SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

sec. 22, all;

Aggregating 857.5 acres

according to the approved plat of survey thereof on file in the Bureau of Land Management.

There are reserved to the United States all minerals in the lands, together with the right to mine and remove the same under applicable laws and regulations. The Secretary of the Interior reserves the right to determine whether such mining and removal of minerals will interfere with the development, operation, and maintenance of the airport.

TO HAVE AND TO HOLD the lands included in this patent, together with all rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the City of Winnemucca, Nevada and to its successors in function forever, subject, however, to a right-of-way for ditches or canals constructed under the authority of the United States, as authorized by the Act of August 30, 1890 (43 U.S.C. 945), and those rights for powerline purposes which have been granted to the Federal Power Commission for Tungsten-Getchell Mines, Inc., its successors or assigns, by permit No. Nev 042767, under Section 24 of the Act of June 10, 1920, 41 Stat. 1063.

BOOK 146 PAGE 16 FRAME 2

By the acceptance of this patent, the patentee agrees for itself, its assigns, and its successors in interest to the property interest herein conveyed, or any part thereof, that the covenants set forth below shall attach to and run with the land;

1. The patentee will develop the lands herein conveyed for airport purposes within one year after the date of this patent. However, if the lands herein conveyed are necessary to meet future development of an airport in accordance with the national airport system plan, the patentee will develop the lands for airport purposes within a period of time satisfactory to the Administrator of the Federal Aviation Administration, and any interim use of the lands for other than airport purposes will be subject to such terms and conditions as the Administrator may prescribe.

2. (a) The airport, and its appurtenant areas and its buildings and facilities, whether or not on the lands herein conveyed, will be operated as a public airport upon fair and reasonable terms, and in full compliance with all requirements imposed by or pursuant to Part 21 of the regulations of the Office of the Secretary of Transportation (49 CFR 21), to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to any discrimination under any programs or activities provided thereon; and,

(b) The United States shall have the right to judicial enforcement of these covenants not only as to the patentee, its successors or assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the lands herein conveyed;

(c) In the event of a breach of any of the conditions or covenants herein imposed, all right, title, and interest in and to the lands herein conveyed, shall, at the option of the grantor, revert to and become the property of the United States of America, and the Administrator of the Federal Aviation Administration shall have an immediate right of entry thereon, and the patentee, its successors, or assigns, shall forfeit all right, title, and interest in and to the lands herein conveyed and in any

BOOK 146 PAGE 16 FRAME 3

and all the tenements, hereditaments, and appurtenances thereunto belonging; provided, however, that the failure of the grantor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the patentee with respect to such future performance shall continue in full force and effect.

3. The patentee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now owned or controlled by it. In furtherance of the policy of the Federal Aviation Administration under this covenant, the patentee,

(a) Agrees that, unless authorized by the Administrator of the Federal Aviation Administration, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sales of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(b) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before June 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive rights; and,

(c) Agrees that it will terminate forthwith any other right to conduct any aeronautical activity now existing at such an airport.

BOOK 146 PAGE 16 FRAME 4

4. Any later transfer of the property interest herein conveyed will be subject to the covenants and conditions in this patent.

5. If the covenant to develop the property interest herein conveyed, or any part thereof, for airport purposes within the time specified in paragraph 1 hereof is breached, or if the property interest herein conveyed, or any part thereof, is not used in a manner consistent with paragraph 1 hereof or the terms of this patent, the Administrator of the Federal Aviation Administration may give notice to the patentee requiring him to take specified action, within a fixed period, toward development or use as prescribed, as the case may be. These notices may be issued repeatedly, and outstanding notices may be amended or supplemented. Upon expiration of a period so fixed without completion by the patentee of the required action, the Administrator of the Federal Aviation Administration may, on behalf of the United States, enter and take title to that interest to which the breach relates.

6. If any covenant or condition in this patent, other than the covenant contained in paragraph 5 hereof, is breached, the Administrator of the Federal Aviation Administration may, on behalf of the United States, immediately enter and take title to the property interest herein conveyed, or, in his discretion, that part of that interest to which the breach relates.

7. A determination by the Administrator of the Federal Aviation Administration that one of the foregoing covenants has been breached is conclusive of the facts; and, if the right of entry and possession of title stipulated in the foregoing covenants is exercised, the patentee will, upon demand of the Administrator of the Federal Aviation Administration, take any action (including prosecution of suit or executing of instruments) that may be necessary to evidence transfer to the United States of title to the property interest herein conveyed, or, in the Administrator's discretion, to that part of that interest to which the breach relates.

BOOK 146 PAGE 16 FRAME 5

8. Before any surface disturbance occurs on the S½SW¼SE¼, sec. 22, T. 35 N., R. 37 E., MDM, cult. site CRNV-02-700 shall be salvaged and reported according to acceptable professional standards. All artifacts and other cultural data salvaged shall remain the sole property of the United States.

IN TESTIMONY WHEREOF, the UNITED STATES OF AMERICA by its Director of the Bureau of Land Management, has hereunto subscribed its name and affixed the seal of the United States Department of the Interior, Bureau of Land Management, this 4th day of December, 1980.

UNITED STATES OF AMERICA

BY Ed Hendon
Director, Bureau of Land Management

APPROVED this 15th day of December, 1980

James W. [Signature]
Assistant Attorney General, Lands and
Natural Resources Division

COPY

OFFICIAL RECORDS
HARRIS COUNTY, TEXAS
RECORDED AT REQUEST OF
City of Harlingen

81 FEB 4 9:15

EX-146 PAGE 16
EVELYN HANSON
COUNTY CLERK
DEPT. 141 INDEXED

27-81-0030

210542



**CITY-COUNTY SHARING AGREEMENT
FISCAL YEAR 2023-2024
FINAL BUDGET**



CITY OR COUNTY FUNCTION	FY 23-24 FINAL BUDGET ALLOCATED COST	COUNTY SHARE WITHOUT CAPITAL OUTLAY		CITY SHARE WITHOUT CAPITAL OUTLAY		AMOUNT OWED BY COUNTY TO CITY	AMOUNT OWED BY CITY TO COUNTY
		%	\$	%	\$		
GENERAL GOVERNMENT:							
PLANNING DEPT. (COUNTY)	\$152,250 **	75%	93,949	25%	\$31,316	\$0	\$31,316
		17.7%	31,318				
			125,266				
ECONOMIC DEVELOPMENT (COUNTY)	\$133,800	50.0%	66,900	50%	\$66,900	\$0	\$66,900
PUBLIC SAFETY:							
ANIMAL CONTROL (CITY)	\$33,000	50%	\$16,500	50%	\$16,500	\$16,500	\$0
SPAY/NEUTER PROGRAM (CITY)	\$60,000	50%	\$30,000	50%	\$30,000	\$30,000	\$0
BUILDING INSPECTOR	\$40,300	65%	\$26,195	35%	\$14,105	\$0	\$14,105
DISPATCH CENTER (COUNTY)	\$1,181,900 **	70%	\$680,696	30%	\$291,727	\$0	\$291,727
		17.7%	209,477				
			\$890,173				
PUBLIC WORKS:							
AIRPORT (CITY)	** OPERATIONS \$3,675	50% OPERATIONS	\$1,838	50% OPERATIONS	\$1,838	\$1,838	\$0
CEMETERY (CITY)	\$191,850		\$47,963	75%	\$143,888	\$47,963	\$0
PARKS/POOLS/RECREATION (CITY)	\$1,191,476		\$476,590	60%	\$714,886	\$476,590	\$0
* Total Budget figures for County General Fund departments have been reduced by 17.7% prior to computing the shared cost percentages in order to equitably reflect county wide Ad Valorem taxes which comprise 17.7% of the County's General Fund revenue for fiscal year 2023-2024.						COUNTY OWES	CITY OWES
** Revenue has been deducted.						\$572,890	\$404,047
INSECT CONTROL PROGRAM Note: The County pays the monthly cost to VDCI for the mosquito and black fly program. Actual aerial costs are not known until the true up billing.	\$500,000	70%	\$350,000	30%	\$150,000	Note: Expenditures associated with these programs are billed as they occur throughout the year, not as part of the Shared Cost Agreement.	
AIRPORT CONSTRUCTION PROGRAM	\$190,896	50%	\$95,448	50%	\$95,448		

APPROVED BY HUMBOLDT COUNTY
BOARD OF COMMISSIONERS:

APPROVED BY WINNEMUCCA
CITY COUNCIL:

Ken Tipton, Chairman

Date

Rich Stone, Mayor

Date