



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS

DATE & TIME OF MEETING: Monday, June 19, 2017 at 2:30 p.m.

PLACE OF MEETING: This meeting will be held at the following location:

**Governor's Office of Economic Development
808 W. Nye Lane
Carson City, NV 89703**

(Members of the Commission may appear telephonically)

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at NCOE@ethics.nv.gov.

	1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.
	2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	3. Approval of Minutes of the May 15, 2017 Commission Meeting.
For Possible Action	4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-78C regarding Brad Bonkowski, Supervisor, Ward 2, Carson City, submitted pursuant to NRS 281A.440(2).
For Possible Action	5. Update regarding the 79 th Legislative Session (2017), including, without limitation, the Commission's 2018-2019 Budget, Assembly Bill 517, Senate Bill 84 and Senate Concurrent Resolution 6.

For Possible Action	6. Consideration and approval of a salary enhancement for the Commission's Executive Director, Yvonne M. Nevarez-Goodson, Esq., for the next biennium (FY 18-19), up to and including the maximum allowable salary for this position (\$110,132) in the unclassified service of the State of Nevada, as established by Assembly Bill 517 of the 79th Legislative Session of the Nevada Legislature (2017), effective on July 1, 2017. As an appointed public officer serving at the pleasure of the Commission as its Chief Executive Office, the Commission has properly notified the Executive Director that this matter may include consideration of her character and professional competence and must be considered and acted upon pursuant to the Open Meeting Law Requirements set forth in NRS 241.020, NRS 241.031 and NRS 241.033. Legislatively- approved cost of living adjustments (COLAs) for all state employees will automatically apply to all approved salary enhancements.
For Possible Action	7. Consideration and approval of a salary enhancement for the Commission's Commission Counsel, Tracy L. Chase, Esq., for the next biennium (FY 18-19), up to and including the maximum allowable salary for this position (\$110,132) in the unclassified service of the State of Nevada, as established by Assembly Bill 517 of the 79th Legislative Session of the Nevada Legislature (2017), effective on July 1, 2017. As an appointed public officer serving at the pleasure of the Commission as its legal counsel, the Commission has properly notified the Commission Counsel that this matter may include consideration of her character and professional competence and must be considered and acted upon pursuant to the Open Meeting Law Requirements set forth in NRS 241.020, NRS 241.031 and NRS 241.033. Legislatively- approved cost of living adjustments (COLAs) for all state employees will automatically apply to all approved salary enhancements.
	8. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.
	9. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
	10. Adjournment.

Open Meeting Law Exemption

***A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, Nevada's Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Yvonne M. Nevarez-Goodson, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.

- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

May 15, 2017

The Commission on Ethics held a public meeting on
Wednesday, May 15, 2017, at 10:30 a.m.
at the following location:

**Old Assembly Chambers
Capitol Building
101 North Carson Street
Carson City, NV 89701**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts are available for public inspection at the Commission's office located in Carson City.

1. Call to Order, Roll Call and Pledge of Allegiance to the Flag.

Chair Cheryl A. Lau, Esq. called the meeting to order at 10:30 a.m. in Carson City, Nevada. Also present in Carson City were Vice-Chair Keith Weaver, Esq. and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip "P.K." O'Neill, Lynn Stewart and Amanda Yen. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy A. Prutzman, Esq. and Executive Assistant Valerie M. Carter, CPM.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the April 19, 2017 Commission Meeting.

Commissioner Yen abstained from this matter as she did not attend the April 19, 2017 meeting. Commissioner Stewart moved to approve the April 19, 2017 Meeting Minutes. Commissioner Duffrin seconded the Motion. The Motion was put to a vote and carried unanimously, with Commissioner Yen abstaining.

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4. Consideration and determination of willfulness concerning violation of Ethics Law by Gerald Antinoro, Sheriff, Storey County pursuant to Third-Party Request for Opinion No. 16-54C, submitted pursuant to NRS 281A.440(2), including imposition of possible sanctions under NRS 281A.480.

Chair Lau opened Agenda Item 4 stating that Commissioners had received Briefs from both parties regarding the willfulness of the ethics violation by Gerald Antinoro of NRS 281A.400(7), and stated the Commission would go into a closed session for deliberations.

Commission Counsel, Tracy L. Chase, Esq., stated under NRS 281A.440(16) the Commission may deliberate on a request for opinion in a closed session. Ms. Chase stated that after deliberations, members of the public would be invited back into the meeting prior to any vote by the Commission.

Chair Lau called the meeting into closed session.

Chair Lau called the meeting back into to open session.

Commissioner Gruenewald moved that Commission Counsel draft a final opinion based on the totality of the circumstances, including consideration of the record and applicable law with reference to the mitigating factors contained in NRS 281A.475 and preponderance of the evidence standard established in NRS 281A.480, finding that Antinoro's violation of NRS 281A.400(7) was willful, and a fine of \$1,000 be imposed. Commissioner Yen seconded the Motion. The Motion was put to a vote and carried unanimously.

5. Discussion and approval of Commission's interest before the 79th Legislative Session (2017), including the Commission's 2018-2019 Budget, Senate Bill 84 and Senate Concurrent Resolution 6, including providing direction thereon.

Executive Director, Yvonne Nevarez-Goodson, reminded the Commission that the Agency's Budget for the next biennia (FY18-FY19) had been approved by the Legislature as recommended by the Governor. She reported that the legislative budget committees approved a technical amendment adding \$7,200/FY for the ongoing costs associated with the Commission's new Case Management System and Opinion Database. She reported the next biennial budget includes funding for 5 new staff computers in accordance with EITS' replacement schedule and a reduced court reporting budget. Director Nevarez-Goodson stated the court reporting budget was averaged over the last 5 years to come up with the adjusted amount, and she believed the reduction in those fees over the last 2 years is attributable to holding more efficient meetings less frequently.

Director Nevarez-Goodson summarized the salary enhancement requests that were provided to the Governor and the Legislature in prior legislative sessions as well as the current 79th session, and stated that she will continue to advocate for the parity requests for Commission staff. She is pleased with the introduction of S.C.R. 6, which requests an interim study regarding the pay scales within the unclassified pay bill, and directly names the Commission on Ethics, among other agencies, to be reviewed. However, she is concerned that the current requested enhancements will be placed on hold until the results of the study are released. She reported that the Resolution is scheduled for hearing before the Senate Legislative Operations and Elections Committee today and she plans to testify.

Director Nevarez-Goodson reported that the Commission's Bill, S.B. 84, underwent significant amendment in the Senate and was approved, as amended, as the first reprint. She and Commission Counsel presented the first reprint version of S.B. 84 at the hearing on May 2, 2017 before Assembly Legislative Operations and Elections Committee. She stated some members of the Committee raised concern with language relating to the requester's right of

judicial review of advisory opinions. Director Nevarez-Goodson stated an amendment may surface in response to some of the concerns, but she and Commission Counsel Chase have likewise voiced their concerns regarding the proposed language and will continue to meet with Chair Diaz and other members of the Committee to ensure they are aware of the Commission's concerns.

Director Nevarez-Goodson stated that another issue presented during the Committee hearing included a request that the Bill affirmatively require the Executive Director to disclose any exculpatory evidence in the context of a formal evidentiary hearing related to an ethics complaint. Director Nevarez-Goodson stated her concerns with such language, including that this obligation is not a requirement under the Constitution with respect to administrative hearings, other Nevada administrative agencies do not have similar requirements and several questions remain unanswered about the details of the suggested process. Director Nevarez-Goodson reported that she will continue to work with Committee members towards getting the bill passed by the next deadline.

6. Report and recommendations by Executive Director on agency status and operations and possible direction thereon.

Director Nevarez-Goodson provided a brief overview of the Commission's current FY17 Budget. She stated the end of the fiscal year is near, and in summary, the Commission has a significant amount of cost savings due to several commissioner vacancies and a reduced number of meetings which created significant savings in travel and court reporting. She reported that the Commission has also seen a slight reduction in the number of cases before the Commission. She reported this in not a base budget year so she doesn't expect the agency will lose any future funding and it also demonstrates responsible spending by the Commission.

Director Nevarez-Goodson provided an update regarding education and outreach, stating that she plans to reach more of the rural communities in the next few months, including Churchill County at the end of June. She plans to reach out to eastern Nevada, including Elko, West Wendover and Ely, and parts of Southern Nevada, including Mesquite and Nye County. She reported she will also focus on some of the larger local entities including Clark County, City of Las Vegas and the Stadium Authority. Director Nevarez-Goodson stated the goal is to be proactive instead of reactive towards the Commission's outreach goals.

Director Nevarez-Goodson discussed requests by some Commissioners for official business cards. She reminded the Commission that the Executive Director is the official contact for the Commission and Commissioners remain mindful of any potential ex-parte communication with respect to any pending or future cases and public records issues. She requested that commissioner business cards provide the contact information for the office.

Director Nevarez-Goodson provided a brief update regarding future meeting dates.

8. Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

No Commissioner comments.

9. Open Session for Public Comment.

No public comment.

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10. Adjournment.

Commissioner Gruenewald moved to adjourn the meeting. Commissioner Weaver seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 12:15 p.m.

Minutes prepared by:

Valerie Carter, CPM
Executive Assistant

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved June 19, 2017:

Cheryl A. Lau, Esq.
Chair

Keith A. Weaver, Esq.
Vice-Chair

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AGENDA ITEM NO. 4

AGENDA ITEM NO. 4



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Brad Bonkowski, Supervisor, Ward 2,
Board of Supervisors, Carson City,
State of Nevada,

Request for Opinion No. **16-78C**

Subject. /

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PROPOSED STIPULATED AGREEMENT

1. **PURPOSE**: This Stipulated Agreement resolves Third-Party Request for Opinion ("RFO") No. 16-78C before the Nevada Commission on Ethics ("Commission") concerning Brad Bonkowski ("Bonkowski"), a Member of the Carson City Board of Supervisors ("Board"), State of Nevada, and serves as the final opinion in this matter.

2. **JURISDICTION**: At all material times, Bonkowski served as an elected member of the Board. As such, Bonkowski is a public officer, as defined in NRS 281A.160. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Bonkowski in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about November 7, 2016, the Commission received RFO No. 16-78C from a member of the public ("Requester"), alleging that Bonkowski:
 - 1) Failed in his commitment to avoid conflicts between his personal interests and his public duties (NRS 281A.020(1));
 - 2) Used his public position to secure or grant an unwarranted advantage for himself (NRS 281A.400(2));

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- 3) Suppressed a governmental report or other document related to his pecuniary interests (NRS 281A.400(3));
 - 4) Used governmental resources for a nongovernmental purpose or for the private benefit of himself or any other person (NRS 281A.400(7));
 - 5) Attempted to influence benefit his personal or financial interest through the influence of a subordinate (NRS 281A.400(9));
 - 6) Failed to disclose his personal interest in certain commercial property he owns/leases related to the City's approval of an agenda item (NRS 281A.420(1));
 - 7) Failed to abstain from voting on the City's approval of an agenda item that purportedly had a material effect on his private property (NRS 281A.420(3); and
 - 8) Improperly participated in negotiating and/or bidding on a contract affecting his private business interests (NRS 281A.400(3) and NRS 281A.430)).
- b. On November 10, 2016, staff of the Commission issued a Notice to Subject under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of NRS 281A.020(1), NRS 281A.400(2) and (3), NRS 281A.420(1) and (3) and NRS 281A.430. Bonkowski was provided an opportunity to respond to the RFO.
 - c. On or about January 12, 2017, Bonkowski, through his legal counsel, Carson City Chief Deputy District Attorney Adriana G. Fralick, Esq., provided a written Response to the RFO.
 - d. On April 19, 2017, the Executive Director presented a recommendation relating to just and sufficient cause to a two-member investigatory panel pursuant to NRS 281A.440(4).
 - e. A Panel Determination issued on April 25, 2017 concluded that:
 - 1) Credible evidence supports just and sufficient cause for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.020, 281A.400(2) and 281A.420(1) and (3).

2) Credible evidence does not substantiate just and sufficient cause for the Commission to consider the alleged violations of NRS 281A.400(3) and NRS 281A.430. Accordingly, these allegations were dismissed.¹

f. The Commission notified Bonkowski of the time and place set for a Commission hearing in this matter. In lieu of a full hearing, Bonkowski now enters into this Stipulated Agreement acknowledging his duty as a public officer to commit himself to protect the public trust and conform his conduct to Chapter 281A of the Nevada Revised Statutes.

4. PROPOSED STIPULATED FACTS: At all material times, the following facts were relevant to this matter: ²

- a. Brad Bonkowski has served as an elected Carson City Supervisor for Ward 2 since 2012. He is a public officer as defined in NRS 281A.160.
- b. The Carson City Board of Supervisors is a political subdivision as defined in NRS 281A.145.
- c. In his private capacity, Bonkowski is a commercial real estate broker, conducting his real estate business through an entity called Brandie Enterprises, LLC, a Nevada domestic limited liability company formed in 1999.
- d. Bonkowski is one of two officers/managers of Brandie Enterprises.

Gregg Street Partners, LLC and the Carson Street Property

- e. Brandie Enterprises is one of three named officers of Gregg Street Partners, LLC ("Gregg Street Partners"), a Nevada domestic limited liability company formed in 2003.
- f. In 2005, Gregg Street Partners purchased commercial property located at 4385 South Carson Street ("Carson Street Property") from William Schneider ("Schneider"). At the time of the purchase, the Carson Street Property was

¹ The provisions of NRS 281A.400(3) and 281A.430 prohibit public officers from negotiating or executing certain contracts "*between*" a governmental entity and the public officer (or his/her business entity). In this RFO, the contract at issue was "*between*" Carson City and NDOT, not Bonkowski and/or Gregg Street Partners.

² Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

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being leased by Frank Gomez (“Gomez”) to operate Woody’s Convenience Store, Diner and Gas Station (“Woody’s”).

- g. Gregg Street Partners assumed the Gomez lease, which terminated when Woody’s closed in 2009.
- h. In September 2011, Gregg Street Partners entered into a lease with the Red Hut Company, which has operated a restaurant at the Carson Street Property since that time.³
- i. The Carson Street Property is adjacent to a parcel of property owned by the Nevada Department of Transportation (“NDOT”), hereafter referred to as the “NDOT Parcel”. The NDOT Parcel is a paved parking lot that contains three underground storage tanks (“USTs”) and gas pumps that were installed in 1981 by Schneider, the prior owner of the Carson Street Property, for use by Woody’s.
- j. In 1989, Schneider and NDOT executed a Multi-Use Lease (“NDOT/Schneider Lease”) that allowed Schneider/Woody’s to install the USTs under the NDOT Parcel and use the NDOT Parcel for “parking and gasoline service facilities.” NDOT and Schneider entered into a new lease in 1993 that was still in place when Gregg Street Partners purchased the Carson Street Property in 2005.⁴
- k. The terms of the NDOT/Schneider Lease required Schneider to indemnify NDOT “for any and all costs and expenses arising out of hazardous substances” and to remove “any and all improvements installed by him.” However, Schneider never took any steps to remove the USTs, which remain on the NDOT Parcel today.
- l. Between 2005 and 2010, Gregg Street Partners discussed the possibility of leasing or purchasing the NDOT Parcel from NDOT, but no agreement was reached until May 26, 2010, when Gregg Street Partners and NDOT executed a five-year multi-use lease (“NDOT/Gregg Street Lease”) of an L-shaped

³ Red Hut purchased the Carson Street Property from Gregg Street Partners in November 2016, around the time this RFO was filed.

⁴ The NDOT/Schneider Lease was not terminated until a retroactive Notice of Termination was executed by NDOT in 2013. However, NDOT was not collecting any rent funds from Schneider after 2005.

portion of the NDOT Parcel. The NDOT/Gregg Street Lease was renewed on April 6, 2015 and remains in place until 2020.

- m. Notwithstanding that the NDOT/Gregg Street Lease encompassed an L-shaped portion of the NDOT Parcel, Section 6(i) of the Lease describes the permissible right-of-way and parking uses of the entire NDOT Parcel as follows: “The hatched area [which includes the USTs] . . . shall be limited to egress and ingress and those activities associated with the underground storage tank and pump maintenance and removal. The [L-shaped] shaded area . . . shall be limited to parking.”
- n. The NDOT/Gregg Street Lease also provides, in section 1(f), that:

[Gregg Street Partners] shall remove or cause to be removed, within 30 days and at its own expense, any and all personal property or improvements erected, emplaced, or owned by [Gregg Street Partners] (pursuant to United States Environmental Protection Agency form 7530-1 naming [Gregg Street Partners] as owner of record of Underground Storage Tank facility) . . . on said leasehold, leaving and surrendering said premises in as good order and condition as the premises were in when delivered to [Gregg Street Partners]. Should [Gregg Street Partners] not remove improvements they shall upon said expiration or termination of the term hereof become property of [NDOT] upon its option and without compensation by him to the [Gregg Street Partners].
- o. Despite the NDOT/Gregg Street Partners Lease terms applicable to the USTs on the NDOT Parcel, Gregg Street Partners maintains that the lease terms did not require Gregg Street Partners to remove the USTs.⁵

The USTs Located on the NDOT Parcel

- p. The gas pumps/USTs on the NDOT Parcel adjacent to the Carson Street Property were operational and used by Woody’s until the business closed in 2009.
- q. NDOT and Gregg Street Partners have disputed the ownership of USTs and the responsibility for eventual removal, cleanup and/or permanent closure of the USTs. Gregg Street Partners vehemently disavows any ownership interest

⁵ It is not the Commission’s responsibility to interpret the Lease.

in the USTs or responsibility for eventual cleanup or removal of the USTs. Nevertheless, as part of a negotiated resolution with the Nevada Division of Environmental Protection (“NDEP”), Gregg Street Partners has assumed various financial responsibilities related to the operation and maintenance of the USTs.

- r. Separate from the responsibility for removal/permanent closure of the USTs, Gregg Street Partners has taken the following financial/compliance steps regarding operation and maintenance of the USTs:
 1. As a covenant to its loan documents for the Carson Street Property, Gregg Street Partners enrolled in the State of Nevada Petroleum Fund (“Fund”) in 2005, to comply with federal and state financial responsibility requirements related to the USTs on the NDOT Parcel. Between 2005 and 2009, the owner of Woody’s, Gomez, paid the annual \$300 tank registration fee to the Fund. Between 2010 and 2015, Gregg Street Partners paid the annual \$300 tank registration fee to the Fund, for a total of approximately \$1,800.
 2. On March 10, 2005, NDEP received an Environmental Protection Act (“EPA”) Form 7530-1 (“Form 7530-1”) designating Gregg Street Partners as the owner of the USTs on the NDOT Parcel. An updated EPA Form 7530-1 was submitted to NDEP in June 2010, indicating that Gregg Street Partners was still the owner of the USTs and Bonkowski was the new contact person in charge of the tanks.⁶
 3. Federal law requires an owner/operator of a UST to keep records related to the UST’s performance and maintenance. Accordingly, a tank-monitoring apparatus connected to the USTs on the NDOT Parcel was attached to the building at the Carson Street Property. Between 2011 and 2016, Bonkowski, on behalf of Gregg Street partners, made

⁶ Despite Bonkowski and Gregg Street Partners’ designation as the “owner” of the USTs on EPA Form 7530-1, Bonkowski disputes that he is the legal owner of the USTs for any purpose. Instead, Gregg Street Partners is so designated as such for purposes of financial responsibility of the USTs pursuant to EPA requirements.

monthly entries in a UST-monitoring logbook that was kept inside the building at the Carson Street Property.

4. In 2010, Gregg Street Partners took steps to accomplish temporary closure of the USTs, in accordance with federal law and at the request of NDEP.⁷ Gregg Street Partners agreed to take these steps after its lengthy negotiations to purchase the NDOT Parcel fell through because NDOT and Gregg Street Partners could not agree upon terms related to removal/remediation of the USTs and sales price. Instead, NDOT agreed to lease the NDOT Parcel to Gregg Street Partners (see NDOT/Gregg Street Lease in 4(l) above) in exchange for Gregg Street's temporary closure of the USTs.
5. In 2013, Gregg Street Partners paid approximately \$14,000 to repair the cathodic protection system attached to the USTs on the NDOT Parcel.

The Carson City Bypass and Related Agreements

- t. In April 1997, Carson City and NDOT entered into an Interlocal Agreement, also known as the Carson City Freeway Agreement ("Freeway Agreement"), to address the construction of a limited access freeway facility that will ultimately bypass downtown Carson City from the East Lake Boulevard interchange north of the City to the intersection of US 395/US 50 on the south side of the City ("Carson City Bypass"). The original Freeway Agreement established Carson City's financial contribution to Phase 1 of the Carson City Bypass.
- u. The Freeway Agreement has since been amended four times, with all amendments being approved by the Carson City Board of Supervisors. With the exception of Amendment No. 4, all prior amendments were approved before Bonkowski's election to the Board of Supervisors. Amendment No. 1, approved in October 2004, addressed construction of Phase 2 of the Carson City Bypass and Carson City's financial contribution to Phase 2. Amendment No. 1 also identified certain NDOT property along the Carson Street Corridor

⁷ Gregg Street Partners' agreement to contribute to the temporary closure of the USTs did not establish ownership or removal responsibilities of the USTs.

that NDOT agreed to rehabilitate prior to transferring the property to Carson City. The NDOT Parcel leased by Gregg Street Partners was included in the property identified in Amendment No. 1.

- v. In Amendment No. 2, approved in December 2007, Carson City agreed to accept and undertake the ownership and maintenance of NDOT property that would transfer to the City. In exchange, NDOT would deem all remaining funding obligations for construction of Phase 1 of the Carson City Bypass as satisfied and fulfilled.
- w. In Amendment No. 3, approved in September 2009, the parties further clarified the state-owned properties that would be relinquished by NDOT and transferred to Carson City in lieu of Carson City's payment for the Carson City Bypass.
- x. Amendment No. 4 to the Carson Freeway Agreement was approved by the Board at its July 7, 2016 meeting.

The July 7, 2016 Carson City Board of Supervisors Meeting

- y. Agenda Item 29B of the Board of Supervisors meeting on July 7, 2016 read:

Possible action to approve Amendment No. 4 of the Carson City Freeway Agreement, with the State of Nevada Department of Transportation; this Amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the city, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of previously agreed upon pavement improvement project on South Carson Street.

- z. Amendment No. 4 specifies and amends details related to the timing and cost of the transfer to Carson City of certain State-owned property along South Carson Street, including the NDOT Parcel containing the three underground storage tanks and gas pumps as identified in Paragraph 4(i) above. Amendment No. 4 also adds the following paragraphs to the Carson Freeway Agreement related to the USTs located on the NDOT Parcel:

12. . . . In the event that hazardous wastes, regulated materials or other harmful substances are discovered subsequent to the transfer of title of the subject property, CARSON agrees to assume any and all cleanup costs associated therewith.

13. . . . CARSON acknowledges that there may be hazardous wastes and/or regulated materials present on the property for which it is consenting to acceptance of relinquishment for NDOT in the area of **the underground storage tank (UST) system located at 4385 South Carson Street, Carson City, NV. 89701**. Carson agrees to take any actions necessary in respect to the UST system in accordance with all the applicable Environmental Protection Laws, Standards, and Regulations. CARSON acknowledges that it is taking the subject property with full knowledge of the risk of possible presence of hazardous wastes and/or regulated materials in, around, and/or under the UST system and further agrees to hold NDOT harmless and indemnify and defend NDOT against any and all losses, damages, claims, costs, penalties, liabilities, and expenses arising from or incurred because of, or incident to, or otherwise with respect to hazardous waste or regulated materials that may be present in, around, and/or under the UST system and/or the adjoining property.

(Emphasis added).

- aa. This language purports to shift mitigation responsibility for the USTs from NDOT to Carson City.
- bb. The full language of Amendment No. 4 was provided to the Board members before the meeting.
- cc. The language of proposed Amendment No. 4 did not expressly state how or whether Carson City would assume responsibility for any current leases of the NDOT properties to private or adjoining property owners.
- dd. Bonkowski participated in the discussion and vote on Agenda Item 29B without disclosing the nature and scope of his commitment in a private capacity to Gregg Street Partners (business relationship) or his pecuniary interest, which extends to the financial contributions made in relation to the USTs by way of a negotiated resolution with the NDEP and a covenant to Gregg Street Partners' loan documents for the Carson Street Property.
- ee. During discussion of Agenda Item 29B, Bonkowski questioned City staff regarding how Carson City would handle the NDOT leases related to NDOT property along the Carson Street Corridor that will transfer to the City. Bonkowski asked this question without disclosing the fact that he, through

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Gregg Street Partners, is a party to a lease of NDOT property that would be transferring to Carson City.

- ff. During public comment related to Agenda Item 29B, Maurice White raised concerns about the language in paragraphs 12 and 13 of Amendment No. 4 related to the USTs. Carson City's Transportation Manager, Patrick Pittenger, responded to White's concerns about the cost to Carson City of cleaning up spills associated with the USTs. Pittenger, who did not know that Bonkowski/Gregg Street Partners was the adjacent property owner or a party to the NDOT/Gregg Street Partners Lease., stated that he did not have an estimate for the cost of cleaning up the UST site. Bonkowski did not participate in this public comment discussion.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Bonkowski and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Bonkowski holds public office, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Carson City).
- c. Bonkowski had a commitment in a private capacity to the interests of Brandie Enterprises and Gregg Street Partners because he has a substantial and continuous business relationship with these entities. NRS 281A.065(5). *See In Re Mills*, Comm'n Op. No. 14-78A (2015) (stating that a person who serves as an officer of an entity has a commitment to the interests of that entity).
- d. Through Brandie Enterprises and Gregg Street Partners, Bonkowski had significant pecuniary interests in the Carson Street Property and the NDOT/Gregg Street Lease. The pecuniary interest extends to the financial contributions made in relation to the USTs by way of a negotiated resolution with the NDEP and a covenant to Gregg Street Partners' loan documents for the Carson Street Property, including those financial contributions set forth herein in paragraph 4(q).

- e. As a public officer, Bonkowski has a duty to avoid conflicts of interest. See NRS 281A.020. Specifically, Bonkowski must avoid actual and perceived conflicts of interest, including publicly disclosing sufficient information concerning any business relationships and pecuniary interests which would reasonably affect his decision on matters before the Board. See NRS 281A.420(1). As a public officer, Bonkowski is also required to abstain from voting or otherwise acting on matters affecting his private interests that would clearly and materially affect the independence of judgment of a reasonable person in his position. NRS 281A.420(3).
- f. Bonkowski may not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, for any business entity in which he has a significant pecuniary interest, or for any person to whom he has a commitment in his private capacity. NRS 281A.400(2).
- g. Bonkowski did not adequately avoid the conflict of interest between his public duties and private interests when he failed to disclose the effect of Amendment No. 4 on his relationship with Gregg Street Partners and his associated pecuniary interests related to the Carson Street Property and NDOT/Gregg Street Lease during the Board meeting on July 7, 2016.
- h. Bonkowski now understands that he should have disclosed sufficient information to inform the public of any effect of Amendment No. 4 on the nature and extent of his relationship with Gregg Street Partners and his private business interests related to the Carson Street Property, including his pecuniary interest in Gregg Street Partners' lease of the NDOT Parcel and financial responsibilities associated with the operation and maintenance of the USTs on the NDOT Parcel. Bonkowski also should have disclosed the fact that Amendment No. 4 addresses Carson City's indemnification of NDOT for the USTs, which may affect the underlying legal dispute between Gregg Street Partners and NDOT regarding ownership of the USTs and responsibility for removal/permanent closure of the USTs.

DRAFT

- i. The disclosure should have also included information regarding the potential effect of Bonkowski's action or abstention on Agenda Item 29B and the effect it may have had on Gregg Street Property's interests. See *In re Woodbury*, Comm'n Op. No. 99-56 (1999); *In re Derbidge*, Comm'n Op. No. 13-05C (2013).
- j. As a public officer, Bonkowski is prohibited from voting upon or advocating for or against the passage of a matter in which the independence of judgment of a reasonable person in his situation would be materially affected by his commitment to Brandie Enterprises/Gregg Street Partners and/or his significant pecuniary interests related to the Carson Street Property and NDOT/Gregg Street Lease. NRS 281A.420(3)(c). However, it is presumed that the independence of judgment of a reasonable person is not materially affected if the resulting benefits or detriments to the public officer, or the person to whom the public officer has a commitment in a private capacity, are not more or less than those accruing to any other member of the group affected by the matter. NRS 281A.420(4)(a). Amendment No. 4 would not have affected Bonkowski/Gregg Street Partners any more or less than any other property owner adjacent to NDOT property along the Carson Street Corridor. Amendment No. 4 equally affected all owners of commercial property adjacent to leased NDOT property along the Carson Street Corridor. If the Amendment had not addressed the USTs, Bonkowski would not have been required to abstain if he had properly disclosed the nature and scope of his private business and property interests related to the Amendment.
- k. Bonkowski should have abstained from voting on Agenda Item 29B based on Gregg Street Partners' significant pecuniary interest in the USTs, because the USTs were specifically addressed and materially affected by Amendment No. 4. Specifically, Amendment No. 4 requires Carson City to indemnify NDOT and "take any actions necessary in respect to the UST system in accordance with all the applicable Environmental Protection Laws, Standards and Regulations." The Commission does not determine the legal impact of Amendment No. 4 on to Gregg Street Partners' responsibilities related to the USTs. It is sufficient for

DRAFT

purposes of the Ethics Law that the Amendment purportedly removes NDOT from any dispute with Gregg Street Partners related to the USTs and may affect Gregg Street Partners' responsibilities related to the USTs upon transfer of the NDOT parcel to Carson City.

- I. Bonkowski's vote on Amendment No. 4 at the July 7, 2016 Board further implicates the provisions of NRS 281A.400(2) as the improper use of his public position to secure an unwarranted benefit or advantage with regard to the USTs for himself, Brandie Enterprises and/or Gregg Street Partners. However, a preponderance of evidence does not support that Carson City's indemnification of NDOT and agreement to take necessary actions with respect to the USTs, as outlined in Amendment No. 4, would diminish or alter Bonkowski/Gregg Street Partners' responsibilities related to the USTs.⁸ The Commission therefore dismisses all allegations regarding NRS 281A.400(2) through this Stipulated Agreement.
- m. Bonkowski's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.420(1) and (3), as interpreted and applied in accordance with the provisions of NRS 281A.020(1).
- n. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.475, the Commission concludes that Bonkowski's violation in this case should be deemed a willful violation pursuant to NRS 281A.170. The Commission took into consideration the following factors:
 - 1) Bonkowski has not previously been the subject of any violation of the Ethics Law. This is Bonkowski's first violation.
 - 2) Bonkowski has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
- o. Despite these mitigating factors and although Bonkowski did not intend to violate the Ethics Law, his violation of NRS Chapter 281A is willful because he

⁸ In particular, the Commission does not offer a legal conclusion regarding Gregg Street Partners' legal responsibility for future removal/cleanup of the USTs.

acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.

- p. For an act to be intentional, NRS 281A.105 requires that Bonkowski acted voluntarily or deliberately. The definition further states that proof of bad faith, ill will, evil or malice is not required. Bonkowski did not act in bad faith or with malicious intent to benefit his private interests. Nevertheless, Bonkowski's actions were not accidental or inadvertent.
- q. NRS 281A.115 defines "knowingly" as "import[ing] a knowledge that the facts exist which constitute the act or omission." NRS Chapter 281A does not require that Bonkowski had actual knowledge that his conduct violated the Ethics Law, but it does impose constructive knowledge when other facts are present that should put an ordinarily prudent person upon inquiry. *See In re Stark*, Comm'n Op. No. 10-48C (2010).
- r. For one willful violation, Bonkowski will pay a civil penalty of \$2,500.00, pursuant to NRS 281A.480, not later than 90 days after his receipt of the fully executed Stipulated Agreement in this matter. Bonkowski may pay the penalty in one lump sum payment or in monthly installment payments as negotiated with the Commission's Executive Director.
- s. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- t. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Bonkowski.

6. WAIVER:

- a. Bonkowski knowingly and voluntarily waives his right to a full hearing before the Commission on the allegations in this RFO (No. 16-78C) and any and all rights he may be accorded pursuant to NRS Chapter 281A, the regulations of

the Commission (NAC Chapter 281A), the Nevada Administrative Procedure Act (NRS Chapter 233B) and any other applicable provisions of law.

- b. Bonkowski knowingly and voluntarily waives his right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B, any extraordinary writs as provided in NRS Chapter 34, or any other applicable provisions of law.

7. **ACCEPTANCE**: We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on xxxx xx, 2017.

DATED this ____ day of _____, 2017. DRAFT
Brad Bonkowski

The above Stipulated Agreement is approved by:

FOR BRAD BONKOWSKI, Subject

DATED this ____ day of _____, 2017. DRAFT
Adriana G. Fralick, Esq.
Carson City Chief Deputy District Attorney

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.
Executive Director, Commission on Ethics

DATED this ____ day of _____, 2017. DRAFT
Judy A. Prutzman, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this ____ day of _____, 2017. DRAFT
Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.⁹

DATED _____, 2017.

By: DRAFT
Cheryl A. Lau, Esq.
Chair

By: DRAFT
Phillip K. O'Neill
Commissioner

By: DRAFT
Keith A. Weaver, Esq.
Vice-Chair

By: DRAFT
Amanda Yen, Esq.
Commissioner

By: DRAFT
Brian Duffrin
Commissioner

⁹ Commissioners Gruenewald and Stewart participated in the Panel hearing and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).

Materials related to, or referred in, Proposed Stipulated Agreement. RFO 16-78C Bonkowski

- Nevada Petroleum Fund Records
 - Copies of EPA Forms 7530-1
- Minutes of July 7, 2016 Board Meeting
- Staff Report Regarding Agenda Item 29B

Attn: Megan Slayden

RECEIVED

State of Nevada Petroleum Fund Invoice

OCT 03 2016

State Of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

ENVIRONMENTAL PROTECTION

Invoice Date	Invoice #
8/4/2016	PFI-17225

Past Due: Oct 1st, 2016

Invoice Type: Petroleum Fund Renewal

Invoice Status: First Notice

Fiscal Year: 2017

Access Code: 1004043504

To enable electronic fee payments, NDEP will accept E-check payments of any amount through the secure website <https://epayments.ndep.nv.gov>. Please use the following access code to make online payments:1004043504

Bill To:

Brad Bonkowski
Gregg Street Partners LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

Remit To:

Nevada Division of Environmental Protection
BCA Petroleum Fund
901 South Stewart Street, Suite 4001
Carson City, NV 89701

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. If the information on this invoice does not reflect the actual enrollment information, please visit the Petroleum Fund website to make the necessary modifications. Any alterations made to this form will not be reflected in enrollment status.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment processes, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9368

WOODYS CONVENIENCE STORE - 1-000144: 4385 S CARSON ST, CARSON CITY, NV, 89701

003 - Regulated Tank	4000 gals	Gasoline (15 ethanol or less)	\$100.00
001 - Regulated Tank	10000 gals	Diesel	\$100.00
002 - Regulated Tank	10000 gals	Gasoline (15 ethanol or less)	\$100.00

Total: \$300.00

Note: Electronic payments to the State are REQUIRED if the total amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

1-000144

Division of Environmental Protection

Receipt for Payment

Gardner Enterprises Llc P O BOX 2194 Stateline, NV 89449

Check #: 3627

Check Date: 9/12/2016

Date Received: 10/3/2016

Receipt #: 147462

Bureau	FY	Permit #	Invoice #	Fee Type / Desc.	Amount
CA	2017	1-000144	17225	Petroleum Fund Tank Enrollment Fee (\$100 Per Tank) / PET. FUND ENROLLMENT	\$300.00

Total: \$300.00

Notes: 1-000144
fy17
10/4/16
kc

POSTED
10-4-16 KC

Facility ID No. 1-000144

ORGFACID: 20622

State of Nevada
Division of Environmental Protection
**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

Gregg Street Partners LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that WOODYS CONVENIENCE STORE has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY, NV 89701

This certificate is effective 10/03/16 and expires 09/30/17 and may be used to demonstrate financial reponsibility in accordance with NAC 459.995.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. Then Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,500,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank	Enroll Date	Alt (#)	Status	Capacity (gal)	Description	Substance
1	10/03/16	001	Temporarily Closed	10000	UST - Asphalt Coated or Bare Steel,Lined Interior	Diesel
2	10/03/16	002	Temporarily Closed	10000	UST - Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)
3	10/03/16	003	Temporarily Closed	4000	UST - Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)

State of Nevada Petroleum Fund Invoice

State Of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

RECEIVED**OCT 03 2016****ENVIRONMENTAL PROTECTION**

Invoice Date	Invoice #
8/4/2016	PFI-17225

Past Due: Oct 1st, 2016

Invoice Type: Petroleum Fund Renewal

Invoice Status: First Notice

Fiscal Year: 2017

Access Code: 1004043504

To enable electronic fee payments, NDEP will accept E-check payments of any amount through the secure website <https://epayments.ndep.nv.gov>. Please use the following access code to make online payments: 1004043504

Bill To:

Brad Bonkowski
Gregg Street Partners LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

Remit To:

Nevada Division of Environmental Protection
BCA Petroleum Fund
901 South Stewart Street, Suite 4001
Carson City, NV 89701

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. If the information on this invoice does not reflect the actual enrollment information, please visit the Petroleum Fund website to make the necessary modifications. Any alterations made to this form will not be reflected in enrollment status.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment processes, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9368

WOODYS CONVENIENCE STORE - 1-000144: 4385 S CARSON ST, CARSON CITY, NV, 89701

003 - Regulated Tank	4000 gals	Gasoline (15 ethanol or less)	\$100.00
001 - Regulated Tank	10000 gals	Diesel	\$100.00
002 - Regulated Tank	10000 gals	Gasoline (15 ethanol or less)	\$100.00

Note: Electronic payments to the State are REQUIRED if the total amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

Total: \$300.00

1-000144

Facility ID No. 1-000144
ORGFACID: 20622

State of Nevada
Division of Environmental Protection
STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT

Gregg Street Partners LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that WOODYS CONVENIENCE STORE has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY, NV 89701

This certificate is effective 10/01/15 and expires 09/30/16 and may be used to demonstrate financial reponsibility in accordance with NAC 459.995.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. Then Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,500,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank	Enroll Date	Alt (#)	Status	Capacity (gal)	Description	Substance
1	10/01/15	001	Temporarily Closed	10000	Asphalt Coated or Bare Steel,Lined Interior	Diesel
2	10/01/15	002	Temporarily Closed	10000	Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)
3	10/01/15	003	Temporarily Closed	4000	Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)

State of Nevada Petroleum Fund Invoice

State Of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

Bill To: Gregg Street Partners LLC PO BOX 21295 CARSON CITY, NV 89721-1295	Invoice Date	Invoice #
	9/23/2015	PFI-16718
Remit To: Nevada Division of Environmental Protection BCA Petroleum Fund 901 South Stewart Street, Suite 4001 Carson City, NV 89701	Past Due: Oct 1st, 2015	
	Invoice Type: Petroleum Fund Renewal	
	Invoice Status: First Notice	
	Fiscal Year: 2016	

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. If the information on this invoice does not reflect the actual enrollment information, please visit the Petroleum Fund website to make the necessary modifications. Any alterations made to this form will not be reflected in enrollment status.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment processes, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9368

WOODYS CONVENIENCE STORE - 1-000144: 4385 S CARSON ST, CARSON CITY, NV, 89701

003 - Regulated Tank	4000 gals	Gasoline (15 ethanol or less)	\$100.00
001 - Regulated Tank	10000 gals	Diesel	\$100.00
002 - Regulated Tank	10000 gals	Gasoline (15 ethanol or less)	\$100.00

Note: Electronic payments to the State are REQUIRED if the total amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

Total: \$300.00

1-000144

Division of Environmental Protection

Receipt for Payment

Gregg Street Partners Llc PO BOX 21295 Carson City, NV 89721

Check #: 1882

Check Date: 9/24/2015

Date Received: 9/30/2015

Receipt #: 124281

Bureau	FY	Permit #	Invoice #	Fee Type / Desc.	Amount
CA	2016	1-000144	16718	Petroleum Fund Tank Enrollment Fee (\$100 Per Tank) / PET. FUND ENROLLMENT	\$300.00

Total: \$300.00

POSTED
10/15/15 KC

Notes: 1-000144
fy16
10/1/15
kc

Facility No. 1-000144

State of Nevada
Division of Environmental Protection
**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that **Woodys Convenience Store**

has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:

4385 S CARSON ST
CARSON CITY NV 89701-6617

This certificate is effective **October 1, 2014** and expires **September 30, 2015** and may be used to demonstrate financial responsibility in accordance with **NAC 459.995**.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,500,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank (Alt.#)	Status	Capacity (gal)	Description	Substance Stored - Comments
001 (001)	Temporarily Out of Use	10,000	Asphalt Coated or Bare Steel	Diesel -
002 (002)	Temporarily Out of Use	10,000	Asphalt Coated or Bare Steel	Gasoline -
003 (003)	Temporarily Out of Use	4,000	Asphalt Coated or Bare Steel	Gasoline -

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



Owner:

Facility:

Page 1

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295
775-721-2057

Facility ID Number: 1-000144
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY NV
89701-6617

Remit To: Nevada Division of Environmental Protection
BCA Petroleum Fund
901 S Stewart St, Ste 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2014**

Amount Due: \$300.00

Amount Paid 300.00

PLEASE MAKE CHECK PAYABLE TO:
NDEP Petroleum Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice and MAKE corrections as needed.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment process, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

TANK		IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9372		
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
001 (001)	10,000 gal.	Diesel	FY 2015 Enrollment Fee	\$100.00
002 (002)	10,000 gal.	Gasoline	FY 2015 Enrollment Fee	\$100.00
003 (003)	4,000 gal.	Gasoline	FY 2015 Enrollment Fee	\$100.00
FY 2015 Invoice 1 Generated 8/20/2014				

Note: Electronic payments to the State are REQUIRED if the total payment amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

Enrollment Fees: **\$300.00**
Payments Received: **\$0.00**
Total Amount Due: **\$300.00**

RECEIVED

SEP - 9 2014

CA 161816

Department of Conservation and Natural Resources
Division of Environmental Protection
Receipt for Payment

Gregg Street Partners Llc
PO BOX 21295
Carson City NV 89721

Check #: 1806
Check Date: 09/06/2014
Date Received: 09/09/2014
Receipt #: 101816

POSTED
9-10-14

Bureau	FY	Amount	Permit #	Invoice #	Fee type/Fee desc
Corrective Action	2015	300.00	1-000144	FY15	Petroleum Fund Tank Enrollment Fee (\$100 Per Tank) Pet. Fund Enrollment
		300.00			

9/17/2014 Okay to
enroll!
DW

Facility No. 1-000144

State of Nevada
Division of Environmental Protection
**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that **Woodys Convenience Store**

has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:

4385 S CARSON ST
CARSON CITY NV 89701-6617

This certificate is effective October 1, 2013 and expires September 30, 2014 and may be used to demonstrate financial responsibility in accordance with NAC 459.995.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,500,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank (Alt.#)	Status	Capacity (gal)	Description	Substance Stored - Comments
001 (001)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Diesel -
002 (002)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Gasoline -
003 (003)	Temporarily Out of Use	4,000	Cathodically Protected Steel	Gasoline -

Department of Conservation and Natural Resources
Division of Environmental Protection
Receipt for Payment

Check #: 1707
Check Date: 09/06/2013
Date Received: 09/10/2013
Receipt #: 80262

Gregg Street Partners Llc
PO BOX 21295
Carson City NV

89721

*okay to enroll
perm
9.16.2013*

1-000144
FY 2014;

Bureau	FY	Amount	Permit #	Invoice #	Fee type/Fee desc
Corrective Action	2014	300.00			Petroleum Fund Tank Enrollment Fee (\$100 Per Tank) Pet. Fund Enrollment
		300.00			

9-11-13 LK

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



Owner:

Facility:

Page 1

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295
775-721-2057

Facility ID Number: 1-000144
WOODY'S CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY NV
89701-6617

Remit To: Nevada Division of Environmental Protection
BCA Petroleum Fund
901 S Stewart St, Ste 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2013**

Amount Due: \$300.00

Amount Paid 300.00

PLEASE MAKE CHECK PAYABLE TO:
NDEP Petroleum Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice and MAKE corrections as needed.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment process, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

TANK		IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9372		
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
001 (001)	10,000 gal.	Diesel	FY 2014 Enrollment Fee	\$100.00
002 (002)	10,000 gal.	Gasoline	FY 2014 Enrollment Fee	\$100.00
003 (003)	4,000 gal.	Gasoline	FY 2014 Enrollment Fee	\$100.00
FY 2014 Invoice 1 Generated 8/21/2013				

Note: Electronic payments to the State are REQUIRED if the total payment amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

Enrollment Fees: \$300.00
Payments Received: \$0.00
Total Amount Due: \$300.00

pd 9-6-13
ch# 1707 \$300.00

RECEIVED

SEP 10 2013

ENVIRONMENTAL PROTECTION

CASO262

Facility No. 1-000144

State of Nevada
Division of Environmental Protection
**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that **Woodys Conveniece Store**

has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:

4385 S CARSON ST
CARSON CITY NV 89701-6617

This certificate is effective October 1, 2012 and expires September 30, 2013 and may be used to demonstrate financial responsibility in accordance with NAC 459.995.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$8,800,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank (Alt.#)	Status	Capacity (gal)	Description	Substance Stored - Comments
001 (001)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Diesel -
002 (002)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Gasoline -
003 (003)	Temporarily Out of Use	4,000	Cathodically Protected Steel	Gasoline -

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

CAL88866

CK# 16116 \$300.00



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SEP 11 2012

ENVIRONMENTAL PROTECTION

Owner:

Facility:

Page 1

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295
775-721-2057

Facility ID Number: 1-000144
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY NV
89701-6617

Remit To: Nevada Division of Environmental Protection
BCA Petroleum Fund
901 S Stewart St, Ste 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2012**

Amount Due: \$300.00

Amount Paid:

PLEASE MAKE CHECK PAYABLE TO:
NDEP Petroleum Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice and MAKE corrections as needed.

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TANK

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9367

ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
001 (001)	10,000 gal.	Diesel	FY 2013 Enrollment Fee	\$100.00
002 (002)	10,000 gal.	Gasoline	FY 2013 Enrollment Fee	\$100.00
003 (003)	4,000 gal.	Gasoline	FY 2013 Enrollment Fee	\$100.00
FY 2013 Invoice 1 Generated 8/21/2012				

Note: Electronic payments to the State are REQUIRED if the total payment amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Please be advised that a \$25 charge will be applied for returned checks or drafts due to insufficient funds (NAC 353C.400).

Enrollment Fees: **\$300.00**
Payments Received: **\$0.00**
Total Amount Due: \$300.00

Department of Conservation and Natural Resources
Division of Environmental Protection
Receipt for Payment

Check #: 1616
Check Date: 09/09/2012
Date Received: 09/11/2012
Receipt #: 68866

Gregg Street Partners Llc
PO BOX 21295
Carson City NV 89721

FACILITY# 1-000144

Bureau	FY	Amount	Permit #	Invoice #	Fee type/Fee desc
Corrective Action	2013	300.00			Petroleum Fund Tank Registration Fee (\$100 Per Tank) Pet. Fund Enrollment
		300.00			

OK
9/12/12
JGW

Facility No. 1-000144

State of Nevada
Division of Environmental Protection

**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that **Woodys Convenience Store**

has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:

4385 S CARSON ST
CARSON CITY NV 89701-6617



Jim Najima
Chief
Bureau of Corrective Actions

This certificate is effective October 1, 2011 and expires September 30, 2012.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,100,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank (Alt.#)	Status	Capacity (gal)	Description	Substance Stored - Comments
001 (001)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Diesel -
002 (002)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Gasoline -
003 (003)	Temporarily Out of Use	4,000	Cathodically Protected Steel	Gasoline -

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



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SEP 15 2011

ENVIRONMENTAL PROTECTION

Owner:

Facility:

Page 1

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295
775-721-2057

Facility ID Number: 1-000144
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY NV
89701-6617

CA 56708

Remit To: Nevada Division of Environmental Protection
BCA Petroleum Fund
901 S Stewart St, Ste 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2011**

Amount Due: \$300.00

Amount Paid: 300.00

PLEASE MAKE CHECK PAYABLE TO:
NDEP Petroleum Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or aboveground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice and MAKE corrections as needed.

Under Federal Regulations, owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR 280 Subpart H). To begin the State Fund enrollment process, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund enrollment.

TANK		IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9367		
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
001 (001)	10,000 gal.	Diesel	FY 2012 Enrollment Fee	\$100.00
002 (002)	10,000 gal.	Gasoline	FY 2012 Enrollment Fee	\$100.00
003 (003)	4,000 gal.	Gasoline	FY 2012 Enrollment Fee	\$100.00

FY 2012 Invoice 1 Generated 8/18/2011

Note: Electronic payments to the State are REQUIRED if the total payment amount is \$10,000 or more per NRS 353.1467 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Enrollment Fees: **\$300.00**
Payments Received: **\$0.00**
Total Amount Due: **\$300.00**

Department of Conservation and Natural Resources
Division of Environmental Protection
Receipt for Payment

Check #: 1528
Check Date: 09/12/2011
Date Received: 09/15/2011
Receipt #: 56708

Gregg Street Partners Llc
PO BOX 21295
Carson City NV 89721

FACILITY# 1-000144;

Bureau	FY	Amount	Permit #	Invoice #	Fee type/Fee desc
Corrective Action	2012	300.00			Corrective Actions Petroleum Fund Tank Reg Fee Pet. Fund Enrollment
		300.00			

OK
9/16/11
Jsu

Facility No. 1-000144

State of Nevada
Division of Environmental Protection

**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

GREGG STREET PARTNERS LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that **Woodys Conveniece Store**

has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:

4385 S CARSON ST
CARSON CITY NV 89701-6617



Jim Najima
Chief
Bureau of Corrective Actions

This certificate is effective October 1, 2010 and expires September 30, 2011.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,060,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank (Alt.#)	Status	Capacity (gal)	Description	Substance Stored - Comments
001 (001)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Diesel -
002 (002)	Temporarily Out of Use	10,000	Cathodically Protected Steel	Gasoline -
003 (003)	Temporarily Out of Use	4,000	Cathodically Protected Steel	Gasoline -

Department of Conservation and Natural Resources
Division of Environmental Protection
Receipt for Payment

Gregg Street Partners LLC
PO BOX 21295
Carson City NV 89721

Check #: 1421
Check Date: 09/13/2010
Date Received: 09/17/2010
Receipt #: 47049

FACILITY# 1-000144;

Bureau	FY	Amount	Permit #	Invoice #	Fee type/Fee desc
Corrective Action	2011	300.00			Corrective Actions Petroleum Fund Tank Reg Fee Pet. Fund Enrollment
		300.00			

OK

9/20/10

JSL

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



Owner:

Facility:

Page 1

GREGG STREET PARTNERS, LLC.
P.O. BOX 21295
CARSON CITY NV 89721

Facility ID Number: 1-000144

WOODY'S CONVENIENT STORE
4385 S CARSON ST
CARSON CITY, NV 89701

Remit To: Division of Environmental Protection
Bureau of Corrective Actions - PET Fund
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2009**

Amount Due: \$300.00

Amount Paid:

PLEASE MAKE CHECK PAYABLE TO:
Nevada Div. of Environ. Protection - Pet. Fund

Please Write Facility ID Number (in bold above) on Check

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TANK		IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9367		
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
003 (C)	4,000 gal.	Gasoline	FY 2010 Base Fee: Base Fee	\$100.00
			FY 2010 Invoice Generated: Invoice 1	
001 (A)	10,000 gal.	Diesel	FY 2010 Base Fee: Base Fee	\$100.00
002 (B)	10,000 gal.	Gasoline	FY 2010 Base Fee: Base Fee	\$100.00

CA35978

Note: Electronic payments to the State are required if total payment amount is \$10,000 or more per SB517 (governmental entities are exempt); however, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Enrollment Fees:	\$300.00
Payments Received:	\$0.00
Total Amount Due:	\$300.00

RECEIVED

SEP 15 2009

ENVIRONMENTAL PROTECTION

Facility ID 1-000144

Fiscal Year 2010 Invoice

August 20, 2009

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection

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SEP 1 2 2008

ENVIRONMENTAL PROTECTION

Owner:

Facility:

Page 1

GREGG STREET PARTNERS, LLC.
P.O. BOX 21295
CARSON CITY NV 89721

Facility ID Number: 1-000144

WOODY'S CONVENIENT STORE
4385 S CARSON ST
CARSON CITY, NV 89701

Remit To: Division of Environmental Protection
Bureau of Corrective Actions - Dept. PET
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2008**

Amount Due: \$300.00

Amount Paid: **300.00**

PLEASE MAKE CHECK PAYABLE TO:
Nevada Div. of Environ. Protection - Pet. Fund

Please Write Facility ID Number (in bold above) on Check

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TANK		IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9367		
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
003 (C)	4,000 gal.	Gasoline	FY 2009 Base Fee: Base Fee	\$100.00
002 (B)	10,000 gal.	Gasoline	FY 2009 Base Fee: Base Fee	\$100.00
001 (A)	10,000 gal.	Diesel	FY 2009 Base Fee: Base Fee	\$100.00
FY 2009 Invoice Generated: Invoice 1				

Note: Electronic payments to the State are required if total payment amount is \$10,000 or more per SB517 (governmental entities are exempt). Starting on July 1, 2008, NDEP will accept E-check payments of any amount through our secure website: www.ndep.nv.gov/epayments

Enrollment Fees:	\$300.00
Payments Received:	\$0.00
Total Amount Due:	\$300.00

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



Owner:

Facility:

Page 1

GREGG STREET PARTNERS, LLC.
P.O. BOX 21295
CARSON CITY NV 89721

Facility ID Number: 1-000144

WOODY'S CONVENIENT STORE
4385 S CARSON ST
CARSON CITY, NV 89701

Remit To: Division of Environmental Protection
Bureau of Corrective Actions - Dept. PET
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: **October 1, 2006**

Amount Due: \$300.00

Amount Paid:

PLEASE MAKE CHECK PAYABLE TO:
Nevada Div. of Environ. Protection - Pet. Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or above-ground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice, and MAKE corrections as needed.

Under Federal Regulations owners of regulated underground storage tanks must have proof of financial responsibility (40-CFR280 Subpart H). To begin the State Fund enrollment process, pay the amount due now. If regulated tanks are not enrolled, owners must provide alternate financial responsibility. Owners of tanks not enrolled in the previous fiscal year are required to submit proof of tank system tightness to be eligible for Petroleum Fund

TANK			IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9368	
ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
003 (C)	4,000 gal.	Gasoline	FY 2007 Base Fee: Base Fee	\$100.00
002 (B)	10,000 gal.	Gasoline	FY 2007 Base Fee: Base Fee	\$100.00
001 (A)	10,000 gal.	Diesel	FY 2007 Base Fee: Base Fee	\$100.00
			FY 2007 Invoice Generated: Invoice 1	

Thank you for your prompt payment!

Total Number of Active Tanks: **3**

Enrollment Fees: **\$300.00**

Payments Received: **\$0.00**

Total Amount Due: \$300.00

STATE OF NEVADA PETROLEUM FUND INVOICE

1-000144

State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection



RECEIVED

AUG 17 2005

ENVIRONMENTAL PROTECTION

Owner:

Facility:

Page 1

GREGG STREET PARTNERS, LLC.
P.O. BOX 21295
CARSON CITY NV 89721

Facility ID Number: 1-000144
WOODY'S CONVENIENT STORE
4385 S CARSON ST
CARSON CITY, NV 89701

Remit To: Division of Environmental Protection
Bureau of Corrective Actions - Dept. PET
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

(Please return invoice with payment)

Date Due: October 1, 2005

Amount Due: \$300.00

Amount Paid: 300.00

PLEASE MAKE CHECK PAYABLE TO:
Nevada Div. of Environ. Protection - Pet. Fund

Please Write Facility ID Number (in bold above) on Check

Owners of underground or above-ground petroleum storage tanks may elect to enroll their tanks in the State of Nevada Petroleum Fund. The annual (October 1st through September 30th) enrollment fee is \$100 per tank. The Fund covers tanks that store petroleum products only. Please REVIEW this invoice, and MAKE corrections as needed.

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TANK

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (775) 687-9504

ID (ALT ID)	CAPACITY	SUBSTANCE	TRANSACTION	AMOUNT
003 (C)	4,000 gal.	Gasoline	FY 2006 Base Fee: Base Fee	\$100.00
002 (B)	10,000 gal.	Gasoline	FY 2006 Base Fee: Base Fee	\$100.00
001 (A)	10,000 gal.	Diesel	FY 2006 Base Fee: Base Fee	\$100.00
FY 2006 Invoice Generated: Invoice 1				

Thank you for your prompt payment!

Total Number of Active Tanks: 3

Enrollment Fees: \$300.00
Payments Received: \$0.00
Total Amount Due: \$300.00

Facility ID 1-000144

Fiscal Year 2006 Invoice

August 4, 2005

<div style="display: inline-block; text-align: center;"> United States Environmental Protection Agency Washington, DC 20460 </div>		Form Approved OMB No.2050-0068	
Notification for Underground Storage Tanks			
State Agency Name and Address: Nevada Division of Environmental Protection UST Program 333 W. Nye Lane Carson City, Nevada 89708-0851		<div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;"> STATE USE ONLY RECEIVED </div>	
TYPE OF NOTIFICATION		ID NUMBER: _____ DATE RECEIVED: MAR 10 2005 DATE ENTERED INTO COMPUTER: _____ DATA ENTRY CLERK INITIALS: ENVIRONMENTAL PROTECTION OWNER WAS CONTACTED TO CLARIFY RESPONSES, COMMENTS: _____	
<input checked="" type="checkbox"/> A. NEW FACILITY 3 Number of tanks at facility	<input checked="" type="checkbox"/> B. AMENDED 0 Number of continuation sheets attached		
INSTRUCTIONS AND GENERAL INFORMATION			
<p>Please <u>type or print in ink</u>. Also, be sure you have signatures in ink for sections VIII and XI. Complete a notification form for each location containing underground storage tanks. If more than 5 tanks are owned at this location, you may photocopy pages 3 through 5 and use them for additional tanks.</p> <p>The primary purpose of this notification program is to locate and evaluate underground storage tank systems (USTs) that store or have stored petroleum or hazardous substances. The information you provide will be based on reasonably available records, or in the absence of such records, your knowledge or recollection.</p> <p>Federal law requires UST owners to use this notification form for all USTs storing regulated substances that are brought into use after May 8, 1986, or USTs in the ground as of May 8, 1986 that have stored regulated substances at any time since January 1, 1974. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.</p> <p>Who Must Notify? Section 9002 of RCRA, as amended, requires owners of USTs that store regulated substances (unless exempted) to notify designated State or local agencies of the existence of their USTs. "Owner" is defined as:</p> <ul style="list-style-type: none"> In the case of an UST in use on November 8, 1984, or brought into use after that date, any person who owns an UST used for storage, use, or dispensing of regulated substances; or In the case of an UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before its discontinuation. <p>Also, if the State so requires, any facility that has made any changes to facility information or UST system status, must submit a notification form (only amended information needs to be included).</p> <p>What USTs Are Included? An UST system is defined as any one or combination of tanks that (1) is used to contain an accumulation of regulated substances, and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Regulated USTs store petroleum or hazardous substances (see the following "What Substances Are Covered").</p> <p>What Tanks Are Excluded From Notification?</p> <ul style="list-style-type: none"> Tanks removed from the ground before May 8, 1986; Farm or residential tanks of 1,100 gallons or less capacity storing motor fuel for noncommercial purposes; Tanks storing heating oil for use on the premises where stored; Septic tanks; Pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws; Surface impoundments, pits, ponds, or lagoons; Storm water or waste water collection systems; Flow-through process tanks; Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; Tanks on or above the floor of underground areas, such as basements or tunnels; Tanks with a capacity of 110 gallons or less. <p>What Substances Are Covered? The notification requirements apply to USTs containing petroleum or certain hazardous substances. Petroleum includes gasoline, used oil, diesel fuel, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Hazardous substances are those found in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA.</p> <p>Where To Notify? Send completed forms to:</p> <p>When To Notify? 1. Owners of USTs in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring USTs into use after May 8, 1986, must notify within 30 days of bringing the UST into use. 3. If the State requires notification of any amendments to facility, send information to State agency immediately.</p> <p>Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$11,000 for each tank for which notification is not given or for which false information is given.</p>			
I. OWNERSHIP OF UST(S)		III. LOCATION OF UST(S)	
Owner Name (Corporation, Individual, Public Agency, or Other Entity) Gregg Street Partners, LLC Street Address P.O. Box 21295 County Carson City Carson City State Nv Zip Code 89721 Phone Number (include Area Code) 775-721-2057		If required by State, give the geographic location of USTs by degrees, minutes, and seconds. Example: Latitude 42° 35' 12" N, Longitude 85° 24' 17" W Latitude _____ Longitude _____ Facility Name or Company Site Identifier, as applicable Facility # 1-000144 Woody's Convenient Store If address is the same as in Section I, check the box and proceed to section III. If address is different, enter address below: Street Address 4385 S. Carson St. County Carson City Carson City State Nv Zip Code 89701	



United States
Environmental Protection Agency
Washington, DC 20460

Form Approved
OMB No. 2050-0068

Notification for Underground Storage Tanks

III. TYPE OF OWNER

- ☐ Federal Government
☐ State Government ☐ Commercial
☐ Local Government ☒ Private

IV. INDIAN COUNTRY

USTs are located on land within an Indian Reservation or on trust lands outside reservation boundaries.

USTs are owned by a Native American nation or tribe.

Tribe or Nation where USTs are located:

V. TYPE OF FACILITY

- ☒ Gas Station
☐ Petroleum Distributor
☐ Air Taxi (Airline)
☐ Aircraft Owner
☐ Auto Dealership
☐ Railroad
☐ Federal - Non-Military
☐ Federal - Military
☐ Industrial
☐ Contractor
☐ Trucking/Transport
☐ Utilities
☐ Residential
☐ Farm
☐ Other (Explain) _____

VI. CONTACT PERSON IN CHARGE OF TANKS

Name:

Frank Gomez

Job Title:

(Lessee)
Business Owner

Address:

4385 S. Carson
Carson City, NV 89701

Phone Number (Include Area Code):

(775) 883-0701

VII. FINANCIAL RESPONSIBILITY

☐ I have met the financial responsibility requirements (in accordance with 40 CFR Subpart H) by using the following mechanisms:

Check All that Apply

- ☐ Self Insurance
☒ Commercial Insurance
☐ Risk Retention Group
☐ Local Government Financial Test
☐ Guarantee
☐ Surety Bond
☐ Letter of Credit
☐ Bond Rating Test
☐ State Funds
☐ Trust Fund
☐ Other Method (describe here) _____

VIII. CERTIFICATION (Read and sign after completing ALL SECTIONS of this notification form)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in Sections I through XI of this notification form and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative (Print)

Ramona Moyle-Member

Signature

Ramona L. Moyle

Date Signed

2-22-05

Paperwork Reduction Act Notice

EPA estimates public reporting burden for this form to average 30 minutes per response including time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding this burden estimate to Director, OP, Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, Washington D.C. 20460, marked "Attention Desk Officer for EPA." This form amends the previous notification form as printed in 40 CFR Part 280, Appendix I. Previous editions of this notification form may be used while supplies last.

EPA Form 7530-1 (Rev. 9-99) Electronic and paper versions acceptable.
Previous editions may be used while supplies last.



United States
Environmental Protection Agency
Washington, DC 20460

Form Approved
OMB No. 2050-0068

Notification for Underground Storage Tanks

State Agency Name and Address Nevada Division of Environmental Protection
Bureau of Corrective Actions, UST Program
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

STATE USE ONLY

ID NUMBER

DATE RECEIVED:

DATE ENTERED INTO COMPUTER:

DATA ENTRY CLERK INITIALS:

OWNER WAS CONTACTED TO CLARIFY RESPONSES, COMMENTS:

TYPE OF NOTIFICATION

☐ A. NEW FACILITY ☒ B. AMENDED ☐ C. CLOSURE

Number of tanks
at facility

Number of continuation sheets attached

INSTRUCTIONS AND GENERAL INFORMATION

Please type or print in ink. Also, be sure you have signatures in ink for sections VIII and XI. Complete a notification form for each location containing underground storage tanks. If more than 5 tanks are owned at this location you may photocopy pages 3 through 5 and use them for additional tanks.

The primary purpose of this notification program is to locate and evaluate underground storage tank systems (USTs) that store or have stored petroleum or hazardous substances. The information you provide will be based on reasonably available records, or in the absence of such records, your knowledge or recollection.

Federal law requires UST owners to use this notification form for all USTs storing regulated substances that are brought into use after May 8, 1986, or USTs in the ground as of May 8, 1986 that have stored regulated substances at any time since January 1, 1974. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA), as amended.

Who Must Notify? Section 9002 of RCRA, as amended, requires owners of USTs that store regulated substances (unless exempted) to notify designated State or local agencies of the existence of their USTs. "Owner" is defined as:

- In the case of an UST in use on November 8, 1984, or brought into use after that date, any person who owns an UST used for storage, use, or dispensing of regulated substances; or
- In the case of an UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before its discontinuation.

Also, if the State so requires, any facility that has made any changes to facility information or UST system status, must submit a notification form (only amended information needs to be included).

What USTs Are Included? An UST system is defined as any one or combination of tanks that (1) is used to contain an accumulation of regulated substances, and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Regulated USTs store petroleum or hazardous substances (see the following "What Substances Are Covered").

What Tanks Are Excluded From Notification?

- Tanks removed from the ground before May 8, 1986.
- Farm or residential tanks of 1,100 gallons or less capacity storing motor fuel for noncommercial purposes;
- Tanks storing heating oil for use on the premises where stored;
- Septic tanks;
- Pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;
- Surface impoundments, pits, ponds, or lagoons;
- Storm water or waste water collection systems;
- Flow-through process tanks;
- Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- Tanks on or above the floor of underground areas, such as basements or tunnels;
- Tanks with a capacity of 110 gallons or less.

What Substances Are Covered? The notification requirements apply to USTs containing petroleum or certain hazardous substances. Petroleum includes gasoline, used oil, diesel fuel, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Hazardous substances are those found in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA.

Where To Notify? Send completed forms to:

When To Notify? 1. Owners of USTs in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring USTs into use after May 8, 1986, must notify within 30 days of bringing the UST into use. 3. If the State requires notification of any amendments to facility, send information to State agency immediately.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$11,000 for each tank for which notification is not given or for which false information is given.

I. OWNERSHIP OF UST(s)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Gregg Street Partners, LLC

Street Address

Post Office Box 21295

County Carson City

City

Carson City

State

NV

Zip Code

89721

Phone Number (Include Area Code)

(775) 721-2057

II. LOCATION OF UST(s)

If required by State, give the geographic location of USTs by degrees, minutes, and seconds. Example: Latitude 42° 36' 12" N, Longitude 85° 24' 17" W

Latitude Longitude

Facility Name or Company Site Identifier, as applicable

Woody's Convenience Store

☐ If address is the same as in Section I, check the box and proceed to section III.
If address is different, enter address below

Street Address

4375 South Carson Street

County Carson City

City

Carson City

State

NV

Zip Code

89701



United States
Environmental Protection Agency
Washington, DC 20460

Form Approved.
OMB No.2050-0068

Notification for Underground Storage Tanks

III. TYPE OF OWNER

- ☐ Federal Government
☐ State Government ☒ Commercial
☐ Local Government ☐ Private

USTs are located on land within an Indian Reservation or on trust lands outside reservation boundaries.

☐

USTs are owned by a Native American nation or tribe.

☐

Tribe or Nation where USTs are located:

IV. INDIAN COUNTRY

V. TYPE OF FACILITY

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Gas Station | <input type="checkbox"/> Railroad | <input type="checkbox"/> Trucking/Transport |
| <input type="checkbox"/> Petroleum Distributor | <input type="checkbox"/> Federal - Non-Military | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Air Taxi (Airline) | <input type="checkbox"/> Federal - Military | <input type="checkbox"/> Residential |
| <input type="checkbox"/> Aircraft Owner | <input type="checkbox"/> Industrial | <input type="checkbox"/> Farm |
| <input type="checkbox"/> Auto Dealership | <input type="checkbox"/> Contractor | <input type="checkbox"/> Other (Explain) _____ |

VI. CONTACT PERSON IN CHARGE OF TANKS

Name	Job Title	Address	Phone Number (Include Area Code)
Brad Bonkowski	Member	PO Box 21295 Carson City, NV 89721	(775) 721-2057

VII. FINANCIAL RESPONSIBILITY

☒ I have met the financial responsibility requirements (in accordance with 40 CFR Subpart H) by using the following mechanisms:

Check All that Apply:

- | | | |
|--|---|---|
| <input type="checkbox"/> Self Insurance | <input type="checkbox"/> Guarantee | <input checked="" type="checkbox"/> State Funds |
| <input type="checkbox"/> Commercial Insurance | <input type="checkbox"/> Surety Bond | <input type="checkbox"/> Trust Fund |
| <input type="checkbox"/> Risk Retention Group | <input type="checkbox"/> Letter of Credit | <input type="checkbox"/> Other Method (describe here) |
| <input type="checkbox"/> Local Government Financial Test | <input type="checkbox"/> Bond Rating Test | |

VIII. CERTIFICATION (Read and sign after completing ALL SECTIONS of this notification form)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in Sections I through XI of this notification form and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative (Print)

Andrea Wilson, Manager

Signature

Andrea Wilson

Date Signed

7/8/10

Paperwork Reduction Act Notice

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CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 7, 2016 Meeting
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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, July 7, 2016 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor Lori Bagwell, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Nick Marano, City Manager
Sue Merriwether, Clerk - Recorder
Jason Woodbury, District Attorney
Cheryl Eggert, Deputy Clerk
Kathleen King, Chief Deputy Clerk

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Recording Secretaries Division of the Carson City Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:07) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. Retired United Methodist Church Pastor Bill McCord provided the invocation. At Mayor Crowell's request, Lee Harder led the pledge of allegiance.

5. PUBLIC COMMENT (8:33:22) - Mayor Crowell entertained public comment. (8:33:38) A female speaker advised that she would provide comment anonymously due to "retaliation." She recapitulated public comment provided during a previous Board of Supervisors meeting regarding "child abuse evidence that's being destroyed by the courts ... that are staffed by Carson City employees." She advised of having discussed the matter with Mr. Marano, who "required that, in order for us to file a claim with the City, ... we have to give the names of the children." She advised that the children's names will not be provided. She further advised "this is a statewide problem. Justice Courts throughout the state are destroying child abuse evidence. One consolidated community just settled five of the children's court cases for ... \$14 million, plus attorneys costs and fees. So this is proving very expensive to consolidated municipalities such as Carson City." She advised that Court Administrator Maxine Cortes "has confirmed that she is destroying our children's abuse evidence, photographs, medical records, police reports ..." She suggested a "misunderstanding," and advised of having spoken with Sheriff Furlong who "agrees that what happens in the courts in a civil case, when these children go and sue their abusers for ... medical needs that they may have, whatever needs that they may have throughout their lifetime, those court case files are separate from police files. Police files are about the event and the perpetrator. The civil court case files are about the injuries to the child and one may be a subset of another, but they are two separate files. So we do hope the City will take this seriously. Destroying child abuse evidence is illegal. Tampering with any evidence is illegal [under] several statutes, but mostly ... NRS 11.250." She advised of having spoken with Mr.

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Woodbury who advised that “he will be protecting Maxine Cortes in the legal causes of action that will be following.”

(8:36:46) Gil Yanuck commended Mr. Marano's efforts to improve internet access for commercial and manufacturing companies in the north / northeast portion of Carson City. Mr. Yanuck discussed concerns with insufficient phone and internet access in the area of Lakeview Estates, and suggested considering a better solution for when the current franchise agreement expires. He requested a future agenda item to discuss “the state of internet service to ... the residential sector.” Mayor Crowell explained the franchises are through the State. “In that sense, ... we don't have the franchise leverage that you'd have over ... the waste management company or landfill ...”

(8:45:14) Sam Flakus introduced himself, for the record, as a local machinist. He referenced a 1991 ordinance passed “in response to a project that was being put on by the Rotary Club. They wanted to bring the railroad into downtown.” Mr. Flakus provided background information on a previous plan to extend the Railroad Museum to Curry Street, Stewart Street, and Washington Street. “... there were a number of citizens who, for various reasons, were upset enough by the project that they put together a petition and presented it to the City and the City was forced to put in an ordinance that prohibited the use of streets for street-level railroad tracks for streetcars or steam locomotives or anything without a vote of a ... Citywide ballot measure. The same year that ... was put into the books ... was the same year that the engine house was destroyed.” Mr. Flakus expressed concern over the “cultural influence we have here in this City where we were okay with the status quo of having a car centric city.” He noted the current trend toward more pedestrian and bicycle friendly transportation, and commended the downtown project. He suggested also considering the “big picture. What are our transportation needs going to require in the future? We are a suburb of Silicon Valley now. ... we're not just a retirement community. We have a big manufacturing sector ... but we also have our cultural and historical assets that need to be tapped into. And we can do that all at the same time if we remove this ordinance that makes it difficult for any of those smart decisions to be made. We don't have to put it on the ballot to build a freeway. The State just goes and does it. But we need to clear the red tape for any of these solutions, any of these transportation solutions to happen. The V&T Railway reconstruction, between East Gate Depot and Virginia City is a failing business model. We built half of a house and now we're expecting renters. ... it needs to be finished all the way and people are reluctant to do that. It was about \$40 million ... to build half of a railroad that took only one year and \$500,000 to do the first time. And now it's been 20 to get only half of it done. But I think that we still need to consider those options because it is a viable transportation solution where ... modern, electric light rail can co-exist with steam locomotives pulling wooden coaches and I think that it would be special for tourism and ... it would be a huge cultural landmark and it would really put us on the map while providing for our infrastructural needs.” Mayor Crowell advised that the referenced ordinance would be reviewed, and expressed appreciation for Mr. Flakus' comments.

(8:50:41) Craig Davis introduced himself as a resident of Carson City for “over thirty years,” and expressed appreciation for the community's quality of life. He discussed concerns over “future water,” the number of building permits issued each year, and water rates. In response to a comment, Mayor Crowell and Mr. Marano provided clarification relative to the Schulz Ranch development. Mayor Crowell suggested that Mr. Davis schedule a meeting with Public Works Department staff. He advised Mr. Davis that the City has

CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 7, 2016 Meeting
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sufficient water rights for the build out of Carson City; that the build out number is fairly well known; and that the City has a Growth Management Ordinance, in place since 1979, that has a leveling effect on build out as the limit is approached. He assured Mr. Davis that there is no intent to increase water rates “because of a five-year plan to upgrade the water system that we would have to do to meet the provisions of the Safe Drinking Water Act ...” Mayor Crowell offered to meet with Mr. Davis, together with Public Works Department staff. Following discussion, Mayor Crowell explained periodic requests for voluntary reductions in water use during summer months. Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - June 2, 2016 (9:00:44) - Mayor Crowell introduced this item. Supervisor Bonkowski moved to approve the minutes, as presented. Supervisor Bagwell seconded the motion. Motion carried 5-0.

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (9:01:02) - Mayor Crowell entertained modifications to the agenda. Mr. Marano advised that item 29(B) may need to be deferred to later in the meeting. Mayor Crowell entertained additional modifications to the agenda and, when none were forthcoming, deemed the agenda adopted, as published. (1:07:07) Mayor Crowell modified the agenda to address items 33(A) and (B) prior to item 30(E) following the lunch break.

8. SPECIAL PRESENTATIONS - RECOGNITION OF MUSCLE POWERED FOR RECEIVING THE NATIONAL AWARD BY THE COALITION FOR RECREATIONAL TRAILS FOR ITS ASH TO KINGS CANYON TRAIL IN THE COMMUNITY LINKAGE CATEGORY; THIS AWARD RECOGNIZES OUR TRAIL AS “PROVIDING AND / OR ENHANCING OPPORTUNITIES FOR TRAIL-BASED RECREATION AND TRANSPORTATION WITHIN OR NEAR LOCAL COMMUNITIES” (9:01:42) - Mayor Crowell introduced this item. Muscle Powered President Kelly Clark introduced Vice President Chas Macquarie, former President Donna Inversin, and Lee Harder. Ms. Clark read a prepared statement into the record, related anecdotal information, and presented the award to Mayor Crowell and the Board of Supervisors.

(9:07:27) Parks and Recreation Department Director Jennifer Budge thanked Muscle Powered and encouraged citizen participation. She noted the international recognition of the recreational trails in Carson City, and expressed appreciation for Muscle Powered's partnership with the City. Mayor Crowell entertained additional comments; however, none were forthcoming.

9. RECESS BOARD OF SUPERVISORS (9:08:33) - Mayor Crowell recessed the Board of Supervisors meeting at 9:08 a.m.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND ROLL CALL (9:08:38) - Chairperson Crowell called the Liquor and Entertainment Board meeting to order at 9:08 a.m. A quorum of the Liquor and Entertainment Board was present, including Member Ken Furlong.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 7, 2016 Meeting

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11. PUBLIC COMMENT(9:08:42) - Chairperson Crowell entertained public comment; however, none was forthcoming.

12. POSSIBLE ACTION ON APPROVAL OF MINUTES - June 2, 2016 (9:08:51) - Chairperson Crowell introduced this item. Member Bonkowski moved to approve the minutes, as presented. Member Bagwell seconded the motion. Motion carried 6-0.

13. COMMUNITY DEVELOPMENT DEPARTMENT, BUSINESS LICENSE DIVISION - POSSIBLE ACTION TO APPROVE DOUGLAS YOUNG, AS THE LIQUOR MANAGER FOR SHOE TREE BREWING, LLC, DBA SHOE TREE BREWING COMPANY, LIQUOR LICENSE NUMBER 17-31749, LOCATED AT 1496 OLD HOT SPRINGS ROAD (9:09:15) - Chairperson Crowell introduced this item. Senior Permit Technician Lena Reseck reviewed the agenda materials, noting staff's recommendation of approval. (9:09:50) Douglas Young introduced himself for the record and, at Chairperson Crowell's request, provided background information on his experience and reviewed plans for his business. In response to a question, he anticipates opening in mid-September.

Chairperson Crowell entertained additional questions or comments and, when none were forthcoming, a motion. **Member Abowd moved to approve Douglas Young, as the liquor manager for Shoe Tree Brewing, LLC dba Shoe Tree Brewing Company, liquor license number 17-31749, located at 1496 Old Hot Springs Road, subject to the following conditions: (1) that the applicant assure that the applicant and all employees serving alcohol must complete a server training course acceptable to the Sheriff's Office, within 120 days, pursuant to CCMC 4.13.060; and (2) a pre-operational inspection is conducted prior to opening. Member Bonkowski seconded the motion.** Chairperson Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [6 - 0]
MOVER:	Member Karen Abowd
SECOND:	Member Brad Bonkowski
AYES:	Members Abowd, Bonkowski, Bagwell, Furlong, Shirk, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mr. Young acknowledged understanding of the conditions of approval.

14. PUBLIC COMMENT(9:14:24) - Chairperson Crowell entertained public comment; however, none was forthcoming.

15. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD MEETING (9:14:34) - Chairperson Crowell adjourned the meeting at 9:14 a.m., and passed the gavel to Redevelopment Authority Chair Karen Abowd.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 7, 2016 Meeting
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REDEVELOPMENT AUTHORITY

16. CALL TO ORDER AND ROLL CALL (9:14:43) - Chairperson Abowd called the Redevelopment Authority meeting to order at 9:14 a.m., noting the presence of a quorum.

17. PUBLIC COMMENT (9:14:56) - Chairperson Abowd entertained public comment; however, none was forthcoming.

18. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 19, 2016 and June 2, 2016 (9:15:11) - Chairperson Abowd introduced this item, and entertained a motion. **Member Bonkowski moved to approve the minutes, as presented. Member Shirk seconded the motion. Motion carried 5-0.**

19. CITY MANAGER - POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FIRST AMENDMENT TO THE THIRD AMENDED AND RESTATED COMMITMENT AGREEMENT FOR CONTINUING BUSINESS OPERATION, BETWEEN CARSON CITY AND RICHARD CAMPAGNI (9:15:33) - Chairperson Abowd introduced this item. Mr. Marano reviewed the late materials which had been distributed prior to the start of the meeting, provided background information on this item, and reviewed the staff report.

(9:18:36) Chairperson Abowd invited Mr. Campagni to the meeting table. Mr. Campagni reviewed details of the history of his business in Carson City, and introduced a video presentation. Chairperson Abowd commended the video presentation, noting the importance of community partnership.

In response to a question, Mr. Marano explained that the incentive would be paid through the Redevelopment Authority. He clarified, "those dollars could either be redevelopment dollars or ... general fund dollars. ... currently, the Redevelopment Authority is reimbursing the general fund about \$480,000 for the Hohl Agreement. That will end, so there will be additional redevelopment dollars available in the near future." Mr. Marano advised of having "freed up about \$200,000 in redevelopment money by moving salaries that should be in the general fund back into the general fund. ... We also terminated a lot of the agreements we had with the BRIC so we were able to free up additional dollars. So, it's a good policy-level question as to whether you want that to be general fund dollars or whether you want it to be redevelopment dollars."

In response to a question, Chief Financial Officer Nancy Paulson advised that the Hohl Agreement will be paid off in FY 2018. In further response to a previous question, Mr. Marano explained that "at the end of calendar year 2016, if the Board approves this item, the City will deem the Campagni Auto Group as having fulfilled the requirements of the promissory note. So what that means is, throughout all of calendar year 2017, we're going to monitor ... their monthly sales numbers ... At the end of 2017, when we get the final numbers from [the Department of] Taxation, the CFO will then calculate what the ten percent would be, in terms of providing an incentive back to the Campagni Auto Group. At today's dollars, as Mr. Campagni said, he generated about \$1.7 million in revenue to the City. So, if we were going to use the 2015 number, that would be \$170,000 in terms of an incentive. That would be paid somewhere in January 2018 ...

CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 7, 2016 Meeting
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depending on when we get those final numbers from [the Department of] Taxation. So, ... we'd go through 2017 and then, when we get the final numbers, we would then calculate based on that calendar year, what the incentive would be."

Supervisor Bagwell questioned the necessity of the proposed amendment. Mr. Marano reviewed the history of the agreement. "... it started in 2005, we went through a pretty tough spot in terms of the recession. But, post-recession, the sales numbers from the Campagni Auto Group and, therefore, the ... tax revenue to the City has increased substantially. From 2014 to 2015, we went from \$1.49 million to \$1.7 million in revenue that the City collected from the Campagni Auto Group. That number is going to continue to grow. I've looked at some of the monthly numbers already in 2016 so I think we're going to see good growth in the revenue from the Campagni Auto Group. He's made a commitment to stay in Carson City. I believe they employ about 200 employees; many of them make significantly more than median wage here in Carson City. The commitment to the redevelopment area, in terms of improving the overall look not just of his Ford store, but I think it improves the overall look of the redevelopment area; that drives additional traffic, not just to the Ford store, which is really what we're talking about. That's the nexus to this agreement is the \$1.8 to \$2 million or so that he's putting into his Ford store and looking for a partnership and incentive from the City in terms of providing a return on investment, not only for him but for us. ... To be able to have a reliable partner to the City, someone who's interested in improving the entire redevelopment area; it'll drive additional traffic, not only to the Ford store, but also to the competitors. ... people tend to comparison shop when they're going to spend \$35,000 to \$50,000 on a new vehicle. So, we would expect to see continued growth on an annual basis in the Campagni Auto Group's top line numbers, total sales as well as taxable revenue to the City. We'll see an improvement in the redevelopment area itself. We've got an item later where we're going to talk about South Carson Street. I think those car dealers are the retail anchor for Carson City. As the freeway gets completed, I'm very concerned because our retail center of gravity is South Carson Street. Those car dealers are the anchor that drive the traffic down there. And, as the freeway is completed and we're looking at South Carson Street potentially going from 45,000 cars a day to under 25,000 cars a day, being able to have showplace retail establishments, that's going to create that destination that people are going to drive to, and as they go there, they're also going to go to Buffalo Wild Wings or Burlington Coat Factory or whatever. So, I think it's an important part of maintaining the health of the redevelopment area."

Supervisor Bagwell discussed concern over "be[ing] fair to every other business in Carson City that is also a good partner and is also generating sales tax." Mr. Marano offered to provide the Redevelopment Authority incentive policy to Supervisor Bagwell. He explained, "the incentive agreement to rebate sales tax is not unprecedented. We do it for other retail establishments within the redevelopment area. And, again, ... those are much less beneficial to the City in terms of revenue. New car sales, building materials, ... if there are a couple of areas that I would focus on in order to drive additional revenue, they'd be the two that I would start with because they provide, together on a monthly basis it varies, ... somewhere close to about 50 percent of our sales tax revenue from just those two major categories. ... so, to be able to provide a tax rebate where there's no additional money coming out of the taxpayers' pocket, but it's just based off of the revenue that the City receives is ... a good deal because we're not bonding for it, we're not committing ... future revenue. We're going to rebate a portion of the revenue, in partnership, that the City takes in. ... again, it's not without precedent. There are three or four other retail establishments, which generate

CARSON CITY BOARD OF SUPERVISORS
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significantly less revenue, that we have these type of agreements. This ten percent rebate is already in the agreement. Whether this amendment gets approved or not today, somewhere in 2018, we're going to start paying the Campagni Auto Group a ten percent incentive.

"The question before the Board ... is the partnership with the Campagni Auto Group and is the improvement to the redevelopment area worth the incentive of about \$170,000 a year for a year and a half, maybe two years? ... again, the total investment he's putting into the Ford store is about \$1.8 to \$2 million to use Mr. Campagni's number. So, is \$368,000 ... a reasonable partnership based on the sales and the revenue that Campagni Auto Group generates?"

Chairperson Abowd suggested considering the proposal as "a façade improvement program and a reasonable business negotiation to get there. ... it works, in a business sense. It's a great partner in the community, not that other businesses aren't, but it's a scale of negotiation that needed to be created for a larger operation. ... in terms of redevelopment, it fits what we're going to forward on in our façade improvement program." Discussion followed.

Supervisor Shirk commended Mr. Campagni on his community partnership, but suggested "that's not what we're here today to discuss. We have a lot of people do a lot of good things in Carson City." Supervisor Shirk expressed the opinion that Mr. Campagni expanded his business "for his business ... to bring more business there. To come back and say, 'I did this and it meets the criteria of the redevelopment areas' now, ... is ... the wrong approach. He should've came here first ..." Supervisor Shirk expressed confusion over "the dollar amount ... difference. Who gains, who loses?" He expressed confusion over "the benefit of signing this today ... What is the dollar amount difference? I see no logical explanation to say yes to this."

Mr. Marano suggested considering "a reasonable growth rate of under ten percent. So, if the Campagni Auto Group is growing, on an annual basis, ... their total sales and the total revenue to the City, by the time we pay the incentive, somewhere in January of 2018, in terms of the additional revenue from the additional sales, it'll be close to a wash. It's all a projection at this point so I don't know. ... we could ask Mr. Campagni to talk about his sales to date and we can then extrapolate what it might be on December 31st and try to come up with a better forecast number. But the total impact to the City, in terms of paying the incentive on current year numbers, is about \$170,000 a year. The question is does the Campagni Auto Group grow their sales, are they ... paying for that incentive or not. Come 2018, regardless of what this Board does today, we're going to start paying the incentive regardless. So, again, ... are the improvements that the Campagni Auto Group has made to the Ford store, in terms of increasing traffic, improving the overall look of the redevelopment area, that's really the ... nexus ..., worth the incentive per year for a year and a half or for a two-year period." Mr. Marano, Ms. Paulson, and Community Development Director Lee Plemel responded to questions of clarification, and extensive discussion ensued.

Chairperson Abowd entertained additional Redevelopment Authority member discussion and, when none was forthcoming, public comment. (10:14:31) Mayoral Candidate Chris Carver reviewed what he considered to be "several fundamental flaws with this document." He expressed the opinion there is "no rationale ... why we should amend that agreement now for it to provide additional profit to Mr. Campagni. ... We're setting a bad precedent ... If we are going to provide incentives to car dealers, then we need to

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have crystal clear policy on what it is that the City, our citizens, are willing to do for every dealership that may want to come here.”

Chairperson Abowd entertained additional public comment and, when none was forthcoming, a motion. **Member Crowell moved to recommend to the Board of Supervisors approval of the First Amendment to the Third Amended and Restated Commitment Agreement for Continuing Business Operation, between Carson City and Richard Campagni.** Member Crowell commented, “this is an existing agreement that we have and have had for a long period of time with this entity. It's a valuable counterparty to an agreement. ... it's extremely important to have the commitment that they're going to remain in this location because I've seen what happens when large companies move and there was a threat, when I first became Mayor, for large companies to move. ... the commitment to stay is an important element of this and ... there is a distinction because this is an existing agreement ...” **Member Bonkowski seconded the motion.** Chairperson Abowd entertained discussion on the motion. In response to a question, Member Bonkowski requested Mr. Marano to designate “where the money's going to come from. Secondly, ... we need to have a clear and concise policy on incentives.” Member Bonkowski concurred with Member Crowell's comments “that citizens are getting something back on this deal. They get a commitment from the number one sales tax producer in Carson City to continue doing business in Carson City for an additional five years. So ... we have to decide where this money is coming from. That's not part of this item so it needs to come back to us ... at the next meeting.” Supervisor Bagwell expressed concern over taking action without having identified a “payment source.” Supervisor Shirk commended the Campagni Auto Group on being the number one sales tax producer in Carson City. He discussed concerns over amending the agreement, and expressed opposition to taking action without having identified the funding source. Member Crowell pointed out that the “funding source has not been an issue since this was started ...” Following a brief discussion, Member Bonkowski clarified, “Our decision is not where the money's coming from. It's are we going to pull it from redevelopment or ... from the general fund? That's the question; that's what we need to clarify. The money is there ... We're collecting the sales tax; we're going to rebate a portion of it. We just have to decide which account it's going to come from.” Member Bagwell pointed out that a two-thirds majority vote would be required if the rebate is allocated from the redevelopment revolving fund. She felt “boxed in ... that if I don't vote for this and I don't want it to come out of the general fund ..., then am I forced to vote yes when it comes to redevelopment funding? I just feel boxed in and that we're not doing the right thing by discussing the funding sources. And I don't like votes that force future boards to have to make decisions and we should ... do what's right here, right now ...” Chairperson Abowd entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [3 - 2]
MOVER:	Member Robert Crowell
SECOND:	Member Brad Bonkowski
AYES:	Members Crowell, Bonkowski and Chair Abowd
NAYS:	Member Bagwell, Vice Chair Shirk
ABSENT:	None
ABSTAIN:	None

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20. PUBLIC COMMENT (10:23:51) - Chairperson Abowd entertained public comment; however, none was forthcoming.

21. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY MEETING (10:23:56) - Chairperson Abowd adjourned the Redevelopment Authority meeting at 10:23 a.m.

22. RECONVENE BOARD OF SUPERVISORS MEETING (10:31:48) - Mayor Crowell reconvened the Board of Supervisors meeting at 10:31 a.m.

23. CITY MANAGER - POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE THIRD AMENDED AND RESTATED COMMITMENT AGREEMENT FOR CONTINUING BUSINESS OPERATION, BETWEEN CARSON CITY AND RICHARD CAMPAGNI (10:31:55) - Mayor Crowell introduced this item as correlative to item 19, and advised that all previous comments, discussion, and testimony would be incorporated into the record at this point. Mayor Crowell entertained public comment and, when none was forthcoming, Board member comments. When no further comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Abowd moved to approve the First Amendment to the Third Amended and Restated Commitment Agreement for Continuing Business Operation, between Carson City and Richard Campagni. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [3 - 2]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, and Mayor Crowell
NAYS:	Supervisors Bagwell, Shirk
ABSENT:	None
ABSTAIN:	None

24. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT BILL NO. 109, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 14, CHAPTER 14.02, IN ORDER TO MAKE IT CONSISTENT WITH NAC 477 (10:33:08) - Mayor Crowell introduced this item and, in response to a question, Fire Prevention Captain Dave Ruben advised of having received no comments on the proposed bill since introduction, on first reading. Mayor Crowell entertained Board member questions or comments and public comments. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to adopt Bill No. 109, on second reading, Ordinance No. 2016-10, an ordinance amending the Carson City Municipal Code, Title 14, Chapter 14.02, in order to make it consistent with NAC 477. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

25. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 1415-150, INMATE TELEPHONE SERVICES AGREEMENT, WITH ICSOLUTIONS TO CHANGE THE VARIOUS CALLING RATES AND REDUCE THE COMMISSION RATE TO 45.1 PERCENT AS A RESULT OF THE FEDERAL COMMUNICATIONS COMMISSION IMPLEMENTING CHANGES (10:33:59) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Laura Tadman reviewed the agenda materials. Sheriff Ken Furlong and Sheriff's Office Business Manager Kathie Heath responded to questions of clarification.

Mayor Crowell entertained additional Board member questions or comments, and public comments. When no further questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to approve Amendment No. 1 to Contract No. 1415-150, Inmate Telephone Services Agreement, with ICSolutions, to change the various calling rates and reduce the commission rate to 45.1 percent. Supervisor Shirk seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Jim Shirk
AYES:	Supervisors Bagwell, Shirk, Abowd, Bonkowski, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

26. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO APPROVE CARSON CITY HEALTH AND HUMAN SERVICES APPLYING FOR FEDERAL TRANSPORTATION ALTERNATIVES / STP SET-ASIDE FUNDING, THROUGH THE NEVADA DEPARTMENT OF TRANSPORTATION, IN AN AMOUNT NOT TO EXCEED \$250,000 ANNUALLY, FOR THE PERIOD LASTING OCTOBER 1, 2016 TO SEPTEMBER 30, 2019, TO CONTINUE AND EXPAND THE WESTERN NEVADA SAFE ROUTES TO SCHOOL PROGRAM (10:39:47) - Mayor Crowell introduced this item, and Health and Human Services Department Director Nicki Aaker reviewed the staff report. Western Nevada Safe Routes to School Program Coordinator Cortney Bloomer reviewed the purpose for the grant funding, and responded to questions of clarification.

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Mayor Crowell entertained public comment. (10:42:50) Donna Inversin, representing Muscle Powered, expressed the opinion that the Safe Routes to School Program is one of the “most important ... in our community. It increases the health of our children. It increases the community aspect. The more times that kids are out of a car, walking to school or biking to school, the more we have a community instead of these isolated ... cars dropping off kids. And the more parents are driving kids to the schools increases the risks to the kids that aren't driving. And the fewer cars we have around the schools, the safer it gets; the more kids walk, the more kids bike, it just becomes a really positive effect.”

(10:43:50) Mayoral Candidate Chris Carver requested the Board to direct that a Safe Routes to School presentation be provided to the Growth Management and Planning Commissions. He acknowledged support for approval of the subject grant application. He expressed the opinion that “it's very important that we work in concert with the three entities, this one and the two others, to develop a holistic program and approach to implementing traffic processes for across the City.”

In response to a question, Ms. Bloomer reviewed the premise and primary activities of the Safe Routes to School Program. Transportation Manager Patrick Pittenger advised that Sheriff's Office, Public Works Department, and other City staff worked together with Ms. Bloomer to prepare the grant application. Ms. Bloomer and Mr. Pittenger responded to additional questions of clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comment. When no public comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Abowd moved to approve Carson City Health and Human Services Department applying for Federal Transportation Alternatives / STP Set-Aside funding, through the Nevada Department of Transportation, in an amount not to exceed \$250,000 annually, for the period lasting October 1, 2016 to September 30, 2019, to continue and expand the Western Nevada Safe Routes to School Program. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

27. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO APPROVE A USE AGREEMENT, BETWEEN CARSON CITY AND THE CARSON CITY RAILROAD ASSOCIATION, AND TO AUTHORIZE MAYOR ROBERT L. CROWELL TO SIGN THE AGREEMENT ON BEHALF OF CARSON CITY (10:55:12) - Mayor Crowell introduced this item. Parks and Recreation Department Director Jennifer Budge introduced Carson City Railroad Association President John McLelland, and reviewed the agenda materials. In response to a question, Ms. Budge advised that the Carson City Railroad Association has a \$2 million insurance policy, approved through the

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City's Risk Management Division. Mr. Woodbury advised of an indemnification provision in the contract. In response to a question, Mr. McLelland provided an overview of the Mills Park railroad operation. Ms. Budge responded to questions of clarification regarding various provisions outlined in the contract.

Mayor Crowell entertained additional questions or comments of the Board and, when none were forthcoming, of the public. When no additional questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to approve a Use Agreement, between Carson City and the Carson City Railroad Association, and to authorize Mayor Robert L. Crowell to sign the agreement on behalf of Carson City. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

28. FINANCE DEPARTMENT

28(A) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH JUNE 22, 2016, PURSUANT TO NRS 251.030 AND NRS 354.290 (11:02:49) - Mayor Crowell introduced this item, and entertained questions or comments of the Board and of the public. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to accept the report on the condition of each fund in the treasury, and the statements of receipts and expenditures, through June 22, 2016, pursuant to NRS 251.030 and NRS 354.290. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

28(B) POSSIBLE ACTION TO ADOPT A RESOLUTION TO LEVY THE CARSON CITY FISCAL YEAR 2016 - 17 AD VALOREM TAX RATES, AS CERTIFIED BY THE NEVADA TAX COMMISSION (11:03:57) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. Mayor Crowell entertained Board member questions or comments and public comments. When no questions or comments were forthcoming, Mayor Crowell entertained a

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motion. **Supervisor Bonkowski moved to adopt Resolution No. 2016-R-19, a resolution to levy Carson City Fiscal Year 2016 - 17 tax rates, as certified by the Nevada Tax Commission. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

29. PUBLIC WORKS DEPARTMENT

29(A) POSSIBLE ACTION TO ACCEPT THE RECOMMENDATION FROM THE PARKS AND RECREATION COMMISSION TO PURSUE A LAND EXCHANGE WITH MR. MICHAEL FAGEN FOR 20 ACRES OF LAND HE OWNS ON U.S. HIGHWAY 50 NEAR THE CLEAR CREEK INTERCHANGE, APN 007-051-81, FOR 0.81 ACRES OF VACANT PARK PROPERTY LOCATED BETWEEN KARIN DRIVE AND SUNLAND COURT, APN 002-373-07, WITH THE CONDITION THAT COSTS TOWARDS ACQUISITION DO NOT EXCEED 20 PERCENT OF THE ESTIMATED VALUE OF THE PARK PROPERTY (11:05:02) - Mayor Crowell introduced this item. Real Property Manager Stephanie Hicks introduced Open Space Administrator Ann Bollinger, and provided an overview of this item. Ms. Bollinger reviewed the staff report, in conjunction with displayed slides, and responded to questions of clarification.

Mayor Crowell entertained public comment. (11:14:25) Donna Inversin, representing Muscle Powered, disclosed that she serves as a member of the Open Space Advisory Committee. She discussed the importance of “saving this parcel,” in consideration of trail connectivity. She encouraged the Board to “work hard to acquire this piece of property.”

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to accept the recommendation from the Parks and Recreation Commission to pursue a land exchange with Mr. Michael Fagen, for 20 acres of land he owns on U.S. Highway 50, near the Clear Creek Interchange, APN 007-051-81, for 0.81 acres of vacant park property, located between Karin Drive and Sunland Court, APN 002-373-07, with the condition that costs towards acquisition do not exceed 20 percent of the estimated value of the park property. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

29(B) POSSIBLE ACTION TO APPROVE AMENDMENT NO. 4 OF THE CARSON CITY FREEWAY AGREEMENT, WITH THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION; THIS AMENDMENT WILL SPECIFY WHEN THE STATE-OWNED PORTIONS OF SOUTH CARSON STREET AND SNYDER AVENUE WILL TRANSFER TO THE CITY, WHEN THE REMAINING PAYMENTS TO THE STATE WILL RESUME IN THE FUTURE, AND PROVIDE FOR A TRANSFER OF FUNDS FROM THE STATE TO THE CITY IN LIEU OF A PREVIOUSLY AGREED UPON PAVEMENT IMPROVEMENT PROJECT ON SOUTH CARSON STREET (11:17:30) - Transportation Manager Patrick Pittenger introduced and provided an overview of this item, and introduced NDOT Assistant Director of Engineering John Terry. In conjunction with displayed slides, Mr. Pittenger reviewed the provisions of the proposed amendment, copies of which were included in the agenda materials. In response to a question, Mr. Pittenger advised of being “very comfortable with the figure related to the cost of the project that they had designed. They ... went to at least 90 percent design on that project. They were fully prepared to comply with the obligations of the current agreement, which was to construct that project. And, to prove it, they went through and past 90 percent design on that and they have a wonderful staff of lots of different types of engineers; whether it was looking at the ADA issues out there with the sidewalks or at ... the structural integrity of the pavement out there. So we're very confident.”

In response to a question, Mr. Pittenger advised that the design process will have “extensive input. ... But even before we do that extensive input process that you have at the design level, we would have that conceptual corridor study which is certainly not as expensive or intense, but there will absolutely be public involvement at that. We have a scope of work we put together with a potential consultant and ... we'd have multiple opportunities for public meetings, both early on and later on in the process, even at the conceptual level, in addition to the fact that ... we're always available. But we would have actual, proactive ... go out there and seek input.” In response to a comment, Mr. Pittenger advised that if the amendment is approved at this meeting, “we would be undertaking that this fall ... because we do realize that while ... the deadline to have something under construction by 2019 seems like it's a ways off, we ... realize the need to get the ball rolling.”

Mr. Pittenger and Public Works Department Director Darren Schulz responded to additional questions of clarification regarding invoiced costs, possible disposition of excess right-of-way / frontage, and the complete streets project requirement. (11:40:15) Mr. Terry provided additional clarification of the complete streets project requirement. He responded to questions regarding the funding source and specific allocation of the funding. In response to a further question, Mr. Pittenger clarified, “We are not saying the

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\$5 million is enough to make improvements. We are saying that we agree with NDOT that the money they budgeted was enough to do the paving and the sidewalks. And the only way we can do those other elements is if we have additional funds. And, as I indicated in the presentation, specifically those other funds are a portion ... from the 1/8 cent sales tax, a portion is from utility funds. So, already right there, those are additional funds. And those would be enough to do a complete streets project. It's the \$5 million plus those other sources and, in addition to that, we're going to pursue other sources as well." Mr. Pittenger acknowledged sufficient funding for the project. In response to a further question, Mr. Pittenger further clarified "the reason ... we can feel comfortable saying that we'll do a complete streets project is because it will be scaled. For example, a complete street will accommodate bicycles, pedestrians, and vehicles. If you accommodate bicycles, you can do so with a bike lane. But you could do it with a buffer bike lane or you could do it with a multi-use path. Those different options cost different amounts of dollars. And, if we are successful in getting a \$750,000 grant from the federal government, through NDOT, that may allow us to do better accommodation for bicycles. But we feel confident that, at a minimum, we can provide accommodation for all modes."

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comment. (11:50:49) Donna Inversin, representing Muscle Powered, expressed support for complete streets and pointed out that "Carson City has passed a policy for complete streets so that kind of mandates us to always look at any project to make sure that we can accommodate all forms of transportation." She discussed the benefits of complete streets, and discussion ensued.

(11:53:45) Mayoral Candidate Chris Carver expressed specific objection to the language in paragraph 8(B) of the proposed amendment. Mayor Crowell advised that the City has adopted a complete streets policy. Mr. Carver discussed opposition to narrowing Carson Street. "We don't want to see an expenditure of tax money to narrow this street specifically. We do agree with not wasting the Nevada State taxpayers money on digging up this street again if we have to redesign it. We have an urgent need today to address the Appion Way intersection and it doesn't include a complete streets project. Maintenance that Mr. Pittenger referred to, as we've seen in the north corridor on Carson Street, is being transferred partially to the business owners. Nobody's talked to the business owners on South Carson Street." Mr. Carver requested to know the costs prior to entering into the amendment. He acknowledged he was not comfortable with Mr. Pittenger's assurances relative to a complete streets project. Discussion followed.

In response to a question, Mr. Schulz advised of no discussion regarding the South Carson Street business owners contributing to the project. He clarified that "the concept of a complete street for South Carson was adopted about four years ago. At that time, we sat down with a number of the businesses along South Carson and talked about ideas and concepts. It was very high level, 30,000-foot, this is the direction we want to go in the future. ... And since then, we haven't readdressed or reconnected with them until we got closer along to whether or not we had a project. At that time, there was no discussion in terms of maintenance and turning the maintenance over to those businesses. That was never talked about nor is it potentially ... at this point, planned. We haven't got that far."

Mr. Marano discussed plans for community outreach, and advised of having talked with "numerous property ... and business owners as recently as yesterday afternoon about this particular project." He further

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advised of having “an agreement, in principle, from a couple of them to form a South Carson Street business association so that there is ... an umbrella group to provide that type of advocacy for the business owners. What they've already relayed to me, what's most important to them, probably in the order of priority, are those right-of-way parcels that currently many of them are leasing. They're interested in the flow of traffic. They want it to be as easy as possible for someone to get off the freeway at Spooner, come to their place of business without ... any type of unnecessary delay. So ... we're already working ... with both the property and the business owners to ... come up with the right plan; something that's going to fit the needs of that particular area.”

In response to a question, Mr. Terry advised that NDOT's “paving project was planned to go this summer. So it would be open to traffic before the freeway would've been open. You could certainly have gone back and restriped it to less lanes but we didn't feel it was responsible to go through and narrow the number of lanes before the freeway was opened. That would be over capacity and it wouldn't handle it. That was the quandary we were in is we were trying to turn over a street that handled the current traffic that's on it and we felt we couldn't wait to do the overlay of the street til after the freeway was constructed.”

Mr. Carver expressed the opinion “that speaks exactly to the point. ... we're asking, in this case, for the City to approve a project that's basically not even in concept stage without having done the leg work that needs to be done on what the end state is.” Discussion followed and, in response to a question of clarification, Mr. Terry expressed the belief that the traffic numbers would not justify the current number of lanes and we would design it to less lanes after the freeway were open. We may even go to a street that is like a complete street ... we are doing [that] in other areas. But, frankly, we knew the street was going to be turned over to the City and we think that's a local decision of what to do with that street and that's why we entered into this agreement. But, no, it does not justify the number of lanes that are out there today once the traffic is on the freeway.”

In response to a comment, Mr. Carver clarified, “I speak for the majority of the people that talk to me.” Supervisor Bonkowski thanked Mr. Carver for the clarification, and stated, “That's not the way it's coming across just so you know.”

Mayor Crowell entertained additional public comment. (12:04:10) Charlene Mannen introduced herself as a realtor with “two clients ... in the area.” She commended Mr. Pittenger as having been very helpful to answer questions. She advised that her clients are supportive of the subject project.

(12:05:15) Paul McGrath provided historic information on the fuel tax, and expressed objection to the proposed amendment “because there's been no voter interaction with making these changes to this ... money.” He responded to questions of clarification, reiterated a requirement for voter approval, and reviewed additional historic information relative to the fuel tax. In response to a question, Mr. McGrath cited the Dillon Rule as the requirement for voter approval on increased taxes. Supervisor Bagwell advised that the “law ... implemented to put the gas tax in place originally gave the authority to the Board of Supervisors and the county commissions.” Discussion followed.

Mayor Crowell entertained additional public comment. (12:13:37) Ward 2 Supervisor Candidate Maurice

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White discussed concerns regarding the provisions in paragraphs 12 and 13 of the proposed amendment. In response to a question, Mr. Pittenger advised of having spoken with NDOT Right-of-Way Division staff regarding the underground storage tank system at 4385 South Carson Street. He advised of having been informed that the site is “described as stable; not a current, ongoing issue at this time. This is making sure that we are aware, which we already were, of the situation that's there. NDOT actually shared with me some of the history of the discussions they've had, some of the options that we have going forward. The bottom line is that our understanding is that not only are we aware of it but this is going to be part of the discussions that are had with the adjacent property owner regarding the lease plan. As we discussed previously, there are leased lands along both sides. This is part of one of those so it's going to fall under the heading of ... negotiations with that property owner.” Mr. Pittenger acknowledged awareness of the nature of hazardous materials at the site. He reiterated that “NDOT's experts have indicated that they believe it is stable; has been stable for some time and there's no expectation that it would be anything but stable unless it is disturbed in some manner.” In response to a further question, Mr. Pittenger explained that the provisions of paragraph 12 represent “a general statement for the entire corridor and that the following paragraph is a caveat for one specific location within that corridor.” In response to a further question, Mr. Pittenger advised that NDOT had not provided a specific cost estimate for cleanup of the site. “They did indicate that their preliminary evaluation, calculations were that the cost was actually less than the value of the property. In fact, one of the options they put forward that ... would be available to the City, should this go forward, would be that the City would be able to work with the property owner and basically allow the adjacent property owner to purchase the property but ... have the money paid to the City be reduced by the amount they would have to pay to do the cleanup. However, that's only one option and that's not been discussed with the property owner. But [NDOT representatives] believe that the cost of the cleanup was worth less than the value of the land.”

Mr. White advised of having been involved in “multiple underground cleanups of hydrocarbon situations,” and advised against not “taking on somebody else's spill. You have no idea where this is going until you start doing the project. Regardless of studies that are done, regardless of where they think the material has gone, until you start doing the cleanup, you have no idea what's going to happen.” Mr. White recommended against the provisions in paragraph 13.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member questions or comments. Mr. Schulz responded to additional questions of clarification. Mayor Crowell entertained additional comments or questions and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada Department of Transportation; this amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed upon pavement improvement project on South Carson Street. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion, and Supervisor Shirk discussed the reasons he would vote against the motion. Supervisor Bagwell discussed the reasons she would support the motion.

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RESULT:	Approved [4 - 1]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

29(C) POSSIBLE ACTION TO APPROVE THE LANGUAGE OF THE BALLOT QUESTION ON MOTOR VEHICLE FUEL TAX INDEXING WHICH WILL BE PLACED ON THE NOVEMBER 2016 GENERAL ELECTION BALLOT, AS REQUIRED BY ASSEMBLY BILL NO. 191 OF 2015 (12:26:15) - Mayor Crowell introduced this item, and entertained public comments. When no public comments were forthcoming, he entertained Board member questions or comments. Mr. Woodbury, Transportation Manager Patrick Pittenger, and Deputy District Attorney Dan Yu responded to questions of clarification, and discussion followed. Mr. Yu acknowledged that the language, as set forth in the ballot question, complies with Assembly Bill No. 191. He noted a revision to be made to the explanation which will provide further clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comment. (12:34:15) Ward 2 Supervisor Candidate Maurice White suggested a revision to the language of the explanation. Mr. Yu offered to work together with Ms. Merriwether, who has final authority on the ballot question language.

Mayor Crowell entertained additional public comment and, when none was forthcoming, Mr. Woodbury noted that the Explanation would be revised, as follows: "A 'YES' vote would require Carson City to enact an ordinance to impose, for the period beginning on January 1, 2017 and ending on December 31, 2026, annual increases to the taxes on certain motor vehicle fuels and other special fuels sold in Carson City, ..." Consensus of the Board was to revise the language to insert the words "and other special fuels," in the "NO" vote paragraph. Mayor Crowell entertained a **motion to approve the ballot language, as presented, with revisions to the explanations as indicated during discussion and reviewed by Mr. Woodbury. Supervisor Bonkowski so moved. Supervisor Shirk seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Jim Shirk
AYES:	Supervisors Bonkowski, Shirk, Abowd, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 12:37 p.m., and reconvened at 12:43 p.m. He provided direction

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with regard to the next three items.

30. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

30(A) POSSIBLE ACTION TO ADOPT BILL NO. 110, ON SECOND READING, AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.045, NOTICE OF COMMISSION HEARINGS; SECTION 18.02.060, APPEALS; AND SECTION 18.02.075, ZONING MAP AMENDMENTS AND ZONING CODE AMENDMENTS, TO INCREASE THE PROPERTY OWNER NOTICE RADIUS FOR DEVELOPMENT APPLICATIONS REVIEWED BY THE PLANNING COMMISSION, BASED ON PROJECT PARCEL SIZE (12:43:48) - Mayor Crowell introduced this item. Community Development Director Lee Plemel reviewed the agenda materials, and advised of having received no additional comments since introduce, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, Board member questions or comments. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to adopt Bill No. 110, on second reading, Ordinance No. 2016-11, an ordinance amending Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.045, Notice of Commission Hearings; Section 18.02.060, Appeals; and Section 18.02.075, Zoning Map Amendments and Zoning Code Amendments, to increase the property owner notice radius for development applications reviewed by the Planning Commission based on project parcel size. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None.
ABSENT:	None
ABSTAIN:	None

30(B) POSSIBLE ACTION TO ADOPT BILL NO. 111, ON SECOND READING, AN ORDINANCE TO LEVY THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT ASSESSMENT FOR FY 2016 - 17 FOR THE MAINTENANCE OF THE DOWNTOWN STREETSCAPE ENHANCEMENT PROJECT (12:44:56) - Mayor Crowell introduced this item and, in response to a question, Community Development Director Lee Plemel advised of no changes since introduction, on first reading. In response to a question, Mr. Plemel advised of having continued to work with NID board members, City staff, and the public to schedule the first meeting. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 111, on second reading, Ordinance No. 2016-12, an ordinance to levy the Downtown Neighborhood Improvement District assessment for the maintenance of the Downtown Streetscape Enhancement Project. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion, and Supervisor Shirk explained the reasons he would vote against the motion. Mayor Crowell called for a vote on the pending motion.

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RESULT:	Approved [4 - 1]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

30(C) POSSIBLE ACTION TO APPROVE A TIME EXTENSION FOR COMPLIANCE WITH THE CONDITIONS OF APPROVAL FOR AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY FOR VICTOR HONEIN (PROPERTY OWNER: MAPP ENTERPRISES, INC., B P HOTEL, LLC, AND M & M BIGUE INVESTMENTS, LLC), TO ABANDON A 66-FOOT WIDE AND 170-FOOT LONG RIGHT-OF-WAY ON EAST SOPHIA STREET, BETWEEN CARSON STREET AND PLAZA STREET, ON PROPERTY ADJACENT TO 1017 NORTH CARSON STREET, 1000 NORTH PLAZA STREET, AND 917 NORTH CARSON STREET, APNs 002-162-01, -02, and 002-163-04 (AB-15-050) (12:46:36) - Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials in conjunction with displayed slides. Mayor Crowell entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve a one-year time extension for compliance with the conditions of approval for an Abandonment of Public Right-of-Way for Victor Honein (property owner: MAPP Enterprises, Inc., B P Hotel, LLC, and M&M Bigue Investments, LLC) to abandon a 66-foot wide and 170-foot long right-of-way on East Sophia Street, between Carson Street and Plaza Street, on property adjacent to 1017 North Carson Street, 1000 North Plaza Street, and 917 North Carson Street, APNs 002-162-01, -02, and 002-163-04. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Shirk explained his opposition to the motion. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [4 - 1]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

30(D) POSSIBLE ACTION TO ADOPT A RESOLUTION AMENDING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS, UNDER THE CARSON CITY GROWTH MANAGEMENT ORDINANCE, FOR THE YEARS 2017 AND 2018, AND ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2019 AND 2020; ESTABLISHING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS AVAILABLE WITHIN THE DEVELOPMENT AND GENERAL

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PROPERTY OWNER CATEGORIES; AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW (12:49:30) - Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials in conjunction with displayed slides. Public Works Department Director Darren Schulz narrated that portion of the SlideShow presentation relative to the water, sewer, and landfill operations and transportation.

Mr. Plemel reviewed necessary corrections to the resolution included in the agenda materials, responded to questions of clarification, and discussion ensued. Mr. Schulz responded to additional questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Resolution No. 2016-R-20, a resolution amending the maximum number of residential building permit allocations, under the Carson City Growth Management Ordinance, for the years 2017 and 2018, and estimating the maximum number of residential building permits, for the years 2019 and 2020; establishing the number of residential building permit allocations available within the development and general property owner categories; and establishing a maximum average daily water usage for commercial and industrial building permits as a threshold for Growth Management Commission review, as amended during discussion at this meeting. Supervisor Bagwell seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None.
ABSENT:	None
ABSTAIN:	None

Mayor Crowell modified the agenda to address items 33(A) and (B) prior to item 30(E). Mayor Crowell recessed the meeting at 1:07 p.m., and reconvened at 2:03 p.m.

30(E) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AND ORDINANCE AMENDING TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8.10, RECREATIONAL VEHICLE PARKING, SECTIONS 8.10.040, DEFINITIONS, AND 8.10.050, RECREATIONAL PARKING ON PUBLIC STREETS, TO ADD UTILITY TRAILERS TO THE LIST OF RECREATIONAL VEHICLES FOR WHICH ON-STREET AND OFF-STREET PARKING REQUIREMENTS APPLY, AND TO LIMIT ON-STREET PARKING OF RECREATIONAL VEHICLES TO SPECIFIC PERIODS OF LOADING AND UNLOADING ONLY(3:30:43) - Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials in conjunction with displayed slides. Mr. Plemel, Mr. Woodbury, and Deputy District Attorney Iris Yowell responded to questions of clarification, and discussion ensued.

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Mayor Crowell entertained public comment. (3:48:27) Hope Tingle discussed concerns regarding sight distance issues relative to traffic in her neighborhood. In response to a question, she expressed the opinion that the “48-hour window ... is a doable window of time.” Discussion followed.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to introduce, on first reading, Bill No. 112, an ordinance amending Title 8, Public Peace, Safety, and Morals, Chapter 8.10, Recreational Vehicle Parking; Sections 8.10.040, Definitions, and 8.10.050, Recreational Parking on Public Streets, to add utility trailers to the list of recreational vehicles for which on-street and off-street parking requirements apply, and to limit on-street parking of recreational vehicles to specific periods for loading and unloading only, to correct typographical errors as discussed during the meeting. Supervisor Shirk seconded the motion.** Mayor Crowell entertained discussion on the motion, and discussion took place regarding various provisions included in the proposed ordinance. **Supervisor Bagwell amended her motion to indicate 72 hours at Section 8.10.050(2). Supervisor Shirk continued his second.** Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Jim Shirk
AYES:	Supervisors Bagwell, Shirk, Abowd, Bonkowski, and Mayor Crowell
NAYS:	None.
ABSENT:	None
ABSTAIN:	None

Ms. Yowell acknowledged sufficient direction.

31. HUMAN RESOURCES DEPARTMENT - POSSIBLE ACTION TO ESTABLISH THE CITY MANAGER'S GOALS AND OBJECTIVES FOR THE PERFORMANCE REVIEW PERIOD, JUNE 3, 2016 TO JUNE 1, 2017 (4:00:15) - Mayor Crowell introduced this item, and Human Resources Department Director Melanie Bruketta reviewed the agenda materials. The Board members discussed and provided direction to establish the goals and objectives. Mr. Marano responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to establish the City Manager's goals and objectives for the performance review period, June 3, 2016 to June 1, 2017, with the changes entered into the record. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None.
ABSENT:	None
ABSTAIN:	None

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32. BOARD OF SUPERVISORS NON-ACTION ITEMS: FUTURE AGENDA ITEMS

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (4:14:34) - Supervisor Shirk advised of having discussed functional home rule with Mr. Woodbury prior to the start of the meeting, and suggested having “an environmental or wild life review on large projects within the City.” Mr. Woodbury offered to look into the possibility, and clarified “we're still in ... uncertain territory on functional home rule. NACo is gathering reports on what all the jurisdictions are doing under the authority of the new legislation and we're keeping them updated. So far, we've only done the one thing where we've expanded the notification territory for zoning ... Absent ... specific direction from this Board or the City Manager, my recommendation is that we take a fairly cautious approach to flexing that muscle just because the legislature is watching it and they're going to probably give ... counties a report card on how that's gone ...” Supervisor Shirk advised of having attended the TRAFCC meeting, and suggested the involvement of the Clerk's and District Attorney's staff. Mr. Woodbury advised that the TRAFCC is not a public body, as defined by the Nevada Open Meeting Law, and therefore not required to produce minutes or have a District Attorney's Office representative present. Discussion followed. Supervisor Shirk inquired as to the World Trade Center plaque, and Mr. Marano offered to have it hung in City Hall. Supervisor Shirk recommended scheduling a ceremony at the World Trade Center Memorial for September 11th. He offered to coordinate a ceremony. He requested the “final costs ... and overruns” for the MAC. He responded to questions of clarification.

Supervisor Abowd thanked Human Resources Department Director Melanie Bruketta for assisting in writing the job description for the Arts and Culture Coordinator position. Supervisor Abowd advised that the application review process will begin on Friday, July 15th. (4:25:29) Supervisor Abowd suggested agendaizing discussion regarding internet service throughout the City. Mayor Crowell suggested first having a conversation with internet service providers.

Supervisor Bagwell advised of complaints concerning dogs in parks where they are not allowed. Mr. Marano provided direction with regard to how to register a complaint. Supervisor Bagwell requested to review the current redevelopment incentive policy, and requested to agendaize a discussion item.

Mayor Crowell announced a chili cookoff at Glen Eagle's over the weekend, the proceeds to benefit Honor Flight.

STAFF COMMENTS AND STATUS REPORTS

33. CITY MANAGER

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33(A) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE; THERE IS ONE POSITION FOR “BUSINESS OPERATOR” OR “PROPERTY OWNER” FROM REDEVELOPMENT AREA NO. 1 TO FILL A THREE-YEAR TERM THAT WILL EXPIRE JANUARY 1, 2019 (2:03:50) - Mayor Crowell introduced this item, and Mr. Marano invited Jason Justice to the meeting table. (2:04:03) Jason Justice responded to questions regarding his interest in serving as a Redevelopment Authority Citizens Committee member; his thoughts on the purpose of redevelopment; his familiarity with the façade improvement program and suggestions for change; his opinion of incentive funding; façade improvement program application criteria; and the top priorities of redevelopment.

Mayor Crowell thanked Mr. Justice for applying, and entertained a motion. **Supervisor Bagwell moved to appoint Jason Justice to the Carson City Redevelopment Authority Citizens Committee, as a business operator or property owner from Redevelopment Area No. 1 to fill a three-year term that will expire January 1, 2019. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None.
ABSENT:	None
ABSTAIN:	None

33(B) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY PLANNING COMMISSION FOR A TERM THAT EXPIRES JUNE 2020 (2:10:54) - Mayor Crowell introduced and provided an overview of this item, and entertained disclosures. Supervisor Bagwell read a prepared disclosure statement into the record, and advised that she would abstain from participating in the interview process and action. Mr. Woodbury responded to questions of clarification.

(2:13:04) Mayor Crowell invited Mark Sattler to the meeting table. Mr. Sattler responded to questions regarding his interest in reappointment; his thoughts on general development and growth relative to the City's Growth Management Ordinance; the sustainability of the current growth rate; the method by which he would handle a development with significant public opposition; his thoughts on properly managed growth. Mayor Crowell provided Mr. Sattler the opportunity to provide additional comment. Mr. Sattler thanked the Board for the opportunity to serve, and requested to be reappointed. Mayor Crowell thanked Mr. Sattler for his service.

(2:25:23) Mayor Crowell invited Hope Tingle to the meeting table, and provided an overview of the interview process. Ms. Tingle responded to questions regarding her interest in serving as a Planning Commissioner; her thoughts on growth relative to the City's Growth Management Ordinance; her thoughts on properly managed growth; the method by which to handle a development with significant public opposition; and how to rationally circumvent the “not in my backyard sentiment” and render a sound

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decision when surrounding residents are adamantly opposed. Mayor Crowell entertained additional comments and, when none were forthcoming, thanked Ms. Tingle for her application.

(2:36:20) Mayor Crowell welcomed Charles Borders to the meeting table, provided an overview of the interview process, and commended Mr. Borders' background. Mr. Borders responded to questions regarding his interest in serving as Planning Commissioner; his thoughts on community growth relative to the City's Growth Management Ordinance; how to rationally circumvent the "not in my backyard sentiment" and render a sound decision when surrounding residents are adamantly opposed; the method by which he would handle a development project with significant public opposition; and his thoughts on properly managed growth. Mayor Crowell offered Mr. Borders the opportunity to comment, and he requested to be appointed. He assured the Board he has sufficient time to prepare and participate.

(2:47:58) Mayor Crowell welcomed Stacey Giomi to the meeting table. Mr. Giomi responded to questions regarding his interest in serving as Planning Commissioner; his thoughts on the City's Growth Management Ordinance; his thoughts on development quality, preserving residential neighborhood character, and properly managed growth; the method by which to handle a development project with significant public opposition; and how to rationally circumvent the "not in my backyard sentiment" and render a sound decision when surrounding residents are adamantly opposed. Mayor Crowell offered Mr. Giomi the opportunity to provide additional comment, and he expressed appreciation for the opportunity to interview and for the Board's consideration of his application. Mayor Crowell thanked Mr. Giomi for his service to Carson City.

(2:56:25) Mayor Crowell welcomed Aster Grima to the meeting table, and provided an overview of the interview process. Ms. Grima responded to questions regarding her interest in serving as a Planning Commissioner; her thoughts on community growth relative to the City's Growth Management Ordinance; how to rationally circumvent the "not in my backyard" sentiment and render a sound decision when surrounding residents are adamantly opposed to a project; the method by which to handle a development project with significant opposition; and her thoughts on improving the quality of development, preserving the character of residential neighborhoods, and ensuring growth is well managed. Mayor Crowell offered Ms. Grima the opportunity to provide additional comment, and she suggested developing criteria for special use permit projects.

Mayor Crowell inquired as to whether Janice McCauley had arrived, and Mr. Marano advised that she had not. Mayor Crowell thanked the applicants for participating in the interview process, and advised that a Planning Commissioner had submitted a resignation letter this morning. He suggested that the applicants not appointed consider reapplying.

Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to reject the application of Janice McCauley. Supervisor Abowd seconded the motion.** Mayor Crowell called for a vote on the pending motion.

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RESULT:	Approved [4 - 0 - 1]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	Supervisor Lori Bagwell

Mayor Crowell entertained discussion of the Board members. Supervisor Shirk commended the applicants and moved to appoint Aster Grima. The motion died for lack of a second. Following additional discussion, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to appoint Mark Sattler to the Carson City Planning Commission for a term that expires June 2020**, and thanked the applicants. **Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 3:23 p.m., noting that the next item for the Board to address would be item 30(E). Mayor Crowell reconvened the meeting at 3:30 p.m.

34. PUBLIC COMMENT (4:27:46) - Mayor Crowell entertained public comment; however, none was forthcoming.

35. ACTION TO ADJOURN (4:27:52) - Mayor Crowell adjourned the meeting at 4:27 p.m.

The Minutes of the July 7, 2016 Carson City Board of Supervisors meeting are so approved this 4th day of August, 2016.

ROBERT L. CROWELL, Mayor

ATTEST:

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SUSAN MERRIWETHER, Clerk - Recorder



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: July 7, 2016

Staff Contact: Darren Schulz, Public Works Director

Agenda Title: For Possible Action: To approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada, Department of Transportation. This amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed-upon pavement improvement project on South Carson Street. (Darren Schulz, dschulz@carson.org)

Staff Summary: The current Freeway agreement does not account for the current and future phasing of the overall project or the City's desire to modify the design of South Carson Street following the opening of Phase 2B-3 to traffic. A significant reduction in traffic is expected and the transfer of the street from the State to the City needs to be clarified. The proposed amendment would modify the agreement to account for those factors.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

Move to approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada, Department of Transportation. This amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed-upon pavement improvement project on South Carson Street.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

Original Agreement: April 1997

Amendment 1: October 2004

Amendment 2: December 2007

Amendment 3: September 2009

Background/Issues & Analysis

The Carson City Freeway southern section (Fairview to US 50 West - Phase 2B-3) is expected to open to traffic in the Spring of 2017. Consistent with the amended Carson City Freeway Agreement between the State and Carson City, the Nevada Department of Transportation had been preparing to undertake a significant repaving project on Carson Street. Per the Agreement, the Department intended to complete a project valued at over \$5 million to repair sidewalks, mill-off the surface of the road, perform base patching, re-pave the milled portion, and re-stripe the road. The project would be on South Carson Street south of Fairview Drive. The proposed project would have addressed the pavement condition and sidewalk issues, but would not address other

deficiencies with that section of road and would not address the expected significant change in traffic volumes expected when the last section of the freeway opens to traffic.

If the proposed amendment is approved, the State will implement a much smaller (approximately \$1 million project) in 2016 to preserve the pavement. However, rather than completing the larger project, the State will provide funding in the amount of \$5,128,847.34 to the City for a future project in this corridor. The funding would be restricted to use in this corridor and a project would need to be underway by 2019. The funding from the State would be consistent with the Carson City Infrastructure Tax (1/8th cent) cost summary, which estimated \$5,008,000 of State funds. City staff would undertake the planning, design, and construction of a project to modify and improve the street using the State funds, the infrastructure tax funds, utility funds as needed, and potentially Federal grant funds to be pursued.

An additional element of the proposed agreement is that it would clarify that the remaining \$7,127,340 the City owes to the State per the agreement for the construction of the freeway would not be payable until after the completion of the interchange at the south terminus of the freeway project. That interchange - Phase 2B-4 - is planned, but not programmed or funded at this time.

Applicable Statute, Code, Policy, Rule or Regulation

N/A

Financial Information

Is there a fiscal impact? ☒ Yes ☐ No

If yes, account name/number: RTC Fund

Is it currently budgeted? ☐ Yes ☒ No

Explanation of Fiscal Impact: If approved, the amendment would result in an increase to the RTC of \$5,128,847.34 to be used only for a project to improve the portion of South Carson Street to be relinquished to Carson Street between Fairview Drive and approximately Snyder Avenue.

Alternatives

Modify proposed agreement amendment, which would require further negotiations with the State.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Carson City Board of Supervisors- Update on Freeway

May 5, 2016

Carson City Freeway - Timeline

Carson City Freeway Agreement & Amendments									
Original Agmt	Amendment 1		Amendment 2	Amendment 3		Amendment 3			Future Date to be Determined
1997	2004	2006	2007	2009	2011	2014	2016	2017	
	Phase 1A & 18 Opmlto U.S. It-y60			Phase 2A Opmlto U.S. It-y60	Phase 2S.1 Opmlto U.S. It-y60	Phase 2S.2 Opmlto U.S. It-y60		Phase 2B.3 Earthwork roadways Open to Spencer	Phase 2B.3 Earthwork roadways Open to Spencer
Carson City Freeway Phases									

Carson City Freeway - Progress

- Phases 1A & 1B open to U.S. Highway 50 - 2006
- » Phase 2A open to Fairview Drive - 2009
- Phase 2B-1 (bridges & drainage) - 2011
- Phase 2B-2 (bridge & drainage) - 2014
- » Phase 2B-3 (earthwork, sound walls, & roadway)
- under construction; open to traffic 2017
- Phase 2B-4 (Spooner interchange) - planned,
not scheduled at this time. Estimated cost: \$20-
25 million



Carson City Freeway Agreement

(agreement and amendments all approved by action of the Board)

Original agreement with NDOT on 4/1/97.
Carson City to fund \$19M (plus interest) of Phase 1 of freeway through 5-cent increase in fuel tax.
Amendment 1 (10/14/04) suspended payment for 3 years to allow for construction of improvements on Fairview Drive. City also agreed to fund additional \$15M for Phase 2 of freeway through 3-cents of fuel tax. Article III, para. 2 - agreement for future transfer of Carson Street
11/10/04 Board of Supervisors voted to remove sunset of 5-cent fuel tax to fund roadway projects into the long term future.



Carson City Freeway Agreement (continued)

Amendment 2 (12/27/07) deferred 3-cent payment to 7/1/09 to complete Fairview Drive improvements and City agreed to take ownership of several State roads in lieu of remaining payments for Phase 1 (\$4.8M).

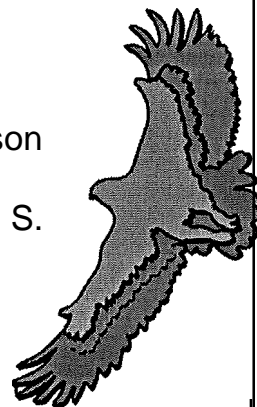
Amendment 3 (9/4/09) provided for City to take over remaining State roads and forego pavement rehab of Carson Street by NDOT in exchange for a \$7.8M reduction in the \$15M owed for Phase 2 of freeway. Deferred 3-cent payment for remaining \$7.127M until completion of freeway.

Carson City Freeway Agreement- Future Amendment

The Freeway agreement and amendments did not anticipate NDOT phasing of remainder of Freeway.

Phase 2--2A, 2-B / 2 / 3 / 4

1/8 cent sales tax implemented by Carson City in 2014 for capital improvements included funding for corridors including S. Carson Street. Estimated funding to complete S. Carson Street corridor improvements presented to the Board estimated approximately \$5.0M State Nevada.



Carson City Freeway Agreement- Future Amendment

NDOT is working with the City to develop
Amendment #4

Expected terms:

- S. Carson Street transfer to the City (as already agreed upon in amendment #1) after completion and opening of Phase 2B-3.
- NDOT would perform minor maintenance activities only on S. Carson Street before transfer.
- NDOT would provide \$5M payment to City in lieu of resurfacing project. Funds restricted to use on S. Carson Street (Fairview - Snyder) for project to begin by 2019.
- Remaining \$7.127M in payments through 3 cent RTC gas tax do not begin until Phase 2B-4 complete.

Potential Design of S. Carson Street

City developed limited complete streets concepts previously.

Carson City RTC will develop conceptual design and cost estimates through CAMPO-funded complete street corridor study.

Additional grant funding will be pursued.

Design will be completed through a separate effort and then construction initiated.

**Amendment No. 4 to Highway Agreement No. R159-97-060
As Amended By
Highway Agreement No. R386-04-002**

This Amendment is made and entered into on _____, between the State of Nevada, Department of Transportation, hereinafter referred to as "NDOT", and Carson City, Nevada, a consolidated municipality under the Nevada Revised Statutes, hereinafter referred to as "CARSON".

WITNESSETH:

WHEREAS, on April 1, 1997, the parties entered into Agreement No. R159-97-060 to facilitate the construction of Phase 1 of the Carson City Freeway (Carson City Bypass), a limited access freeway passing downtown Carson City on the east side of Carson City, from US-395 north at Lakeview Hill to the intersection of US-395/US-50 south, which included preliminary engineering, right-of-way acquisition, construction, and construction engineering; and

WHEREAS, on October 14, 2004, the parties entered into Agreement No. R386-04-002, constituting Amendment No. 1 to Agreement No. R159-97-060, for the purpose of addressing construction of Phase 2 of the Carson City Freeway (Carson City Bypass) and addressing CARSON's financial contribution to Phase 2; and

WHEREAS, on December 27, 2007, the parties entered into Amendment No. 2 to Agreement No. R159-97-060 as amended by Agreement No. R386-04-002, in order to modify CARSON's remaining Phase 1 funding obligation by identifying certain portions of State highways, along with attendant maintenance responsibilities, to be relinquished to CARSON by NDOT; and

WHEREAS, on September 4, 2009, the parties entered into Amendment No. 3 to Agreement No. R159-97-060 as amended by Agreement No. R386-04-002, in order to modify CARSON's remaining Phase 2 funding obligation, whereby additional State highways, along with attendant maintenance responsibilities, were relinquished to CARSON; and

WHEREAS, NDOT has proceeded with the construction of Phase 2 of the Carson Freeway (Carson City Bypass) in four (4) sub phases – 2B-1, 2B-2, 2B-3, and 2B-4 as shown on Exhibit 1, attached hereto and incorporated herein; and

WHEREAS, sub phases 2B-1 and 2B-2 are complete, and 2B-3 will open the freeway to traffic in 2017; and

WHEREAS, sub phase 2B-4 which will provide an interchange and complete Phase 2B is not programmed to be completed as of 2016; and

WHEREAS, the parties now desire to make certain modifications and amendments to Highway Agreement No. R159-97-060 as amended by Highway Agreement No. R386-04-002, providing for the transfer from NDOT to CARSON of portions of State highways and their attendant maintenance duties, obligations and responsibilities, and provide for the modification of CARSON's remaining funding obligations for PHASE 2 of the Carson City Freeway (Carson City Bypass); and

WHEREAS, NRS 408.527 provides a procedure for the relinquishment of portions of State highways.

NOW THEREFORE, the parties agree as follows:

1. Article I, Paragraph 1, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall relinquish to CARSON and CARSON shall accept the ownership of those certain portions of State highways identified in Attachment "A"-

Summary of Right of Way, and Exhibit 2, attached hereto and incorporated herein, together with all of their attendant maintenance duties, obligations and responsibilities.”

2. Article I, Paragraph 2, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “The maintenance duties, obligations and responsibilities for those portions of State highways identified in Attachment “A” and Exhibit 2 shall be transferred from NDOT to CARSON upon the completion and opening of Phase 2B-3 to traffic, the recordation of the Resolution Consenting to Relinquishment and Land Transfer Agreement (Relinquishment) for each portion of highway to be transferred, and Relief of Maintenance from the District Engineer.”

3. Article I, Paragraph 3, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “NDOT shall provide CARSON with copies of records regarding those certain portions of State highways to be relinquished from NDOT to CARSON as identified in Attachment “A” and Exhibit 2, attached hereto and incorporated herein, which records shall include but not be limited to legal descriptions, right-of-way maps, permits, maintenance records, as-built plans, and structural details.”

4. Article I, Paragraph 4, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “NDOT shall prepare, all legal descriptions and maps necessary for the relinquishment of those certain portions of State highways identified in Attachment “A” and Exhibit 2, attached hereto and incorporated herein.”

5. Article I, Paragraph 5, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “NDOT shall provide CARSON with legal descriptions and maps for CARSON’s review and comment prior to NDOT’s relinquishment to CARSON of those portions of State highways identified in Attachment “A” and Exhibit 2, attached hereto and incorporated herein.”

6. Article I, Paragraph 6, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “The parties hereto shall complete the relinquishment of those certain portions of State highways as identified in Attachment “A” and Exhibit 2, together with the relinquishment and transfer of their attendant maintenance duties, obligations and responsibilities, upon Relief of Maintenance from the District Engineer. Before relinquishment, NDOT will conduct plantmix patching and microsurfacing of the roadway, and replace of substandard curb and ADA ramps.”

7. Article I, Paragraph 7, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “The parties hereto shall comport with the requirements of NRS 408.527 in facilitating NDOT’s relinquishments to CARSON of those portions of State highways identified in Attachment “A” and Exhibit 2, attached hereto and incorporated herein. NDOT shall prepare a Relinquishment for issuance by its Board of Directors. Should NDOT’s Board of Directors approve the Relinquishment relating to those portions of State highways identified within Attachment “A” and Exhibit 2, NDOT shall cause a certified copy or copies of the Relinquishment to be filed with CARSON’s legislative body. NDOT shall record the Relinquishment in the office of the Carson City Recorder, and upon recordation, all right title and interest of NDOT in and to said portions of highway shall vest in CARSON. CARSON’s duty to maintain those portions of State highways shall commence upon the recordation of the Relinquishment for each portion of State highway transferred.”

8. Article I, Paragraph 11, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: “NDOT shall pay CARSON a sum not to exceed Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00) upon Relinquishment relating to those portions of State highways identified within Attachment “A” and Exhibit 2, in lieu of NDOT’s performance of pavement surfacing of Carson Street which was to be undertaken by NDOT, and which sum represents the estimated costs for the most appropriate pavement

surfacing strategy in accordance with current NDOT standards, including, at a minimum, a two (2) inch overlay. Through NDOT's provision of said payment, NDOT shall be deemed to have fulfilled its obligation to rehabilitate the State highway pavement from Fairview Drive in the north to the new at-grade intersection with the Carson City Freeway/U.S. Highway 50 West in the south, hereinafter referred to as Spooner Interchange.

(A) Upon recordation of the Relinquishment and Relief of Maintenance from the District Engineer, CARSON CITY shall invoice NDOT for the total sum of Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00).

The payment to CARSON CITY is being reduced to collect the outstanding balance of Invoice number 03327J0901 (\$371,152.66). Therefore, the total payment amount to CARSON CITY will be in the amount of (\$5,128,847.34).

(B) CARSON shall utilize the funds identified in Article I, Paragraph 11, of this Amendment, for improvements to include a Complete Streets Project, within the relinquished State highways area identified within Attachment "A" and Exhibit 2 only. CARSON agrees to have its Complete Streets Project under construction by the end of 2019."

9. Article I, Paragraph 12, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall defer until after the completion of the Carson City Freeway (Carson City Bypass), including a full interchange at Carson Street/U.S. Highway 50 West at the southern terminus of the Carson City Freeway, CARSON's payment of its remaining funding obligation of Seven Million One Hundred Twenty-Seven Thousand Three Hundred Forty and No/100 dollars (\$7,127,340.00), relating to CARSON's contribution to Phase 2 of the Carson City Bypass Project, as required pursuant to Agreement No. R159-97-060, as Amended by Agreement R386-04-002."

10. Article I, Paragraph 13, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "The parties agree that should any alternative funding sources, not yet identified, be made available for the Carson City Freeway (Carson City Bypass) Project, NDOT shall consider the application of that funding toward CARSON's funding obligations for Phase 2 of the Carson City Freeway (Carson City Bypass) Project, as required pursuant to Article II, Paragraph 4 of Agreement No. R386-04-002, said Agreement constituting Amendment No. 1 to Agreement No. R159-07-060."

11. Article I, Paragraph 15, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "All notices or other communications required or permitted to be given under Agreement No. R159-97-060, as amended by Agreement No. R386-04-002, shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below, or provided by e-mail at the address set forth below:

FOR DEPARTMENT: Rudy Malfabon, P.E., Director
Nevada Department of Transportation
1263 South Stewart Street
Sparks, NV 89431
Telephone: (775) 888-7440
Fax: (775) 888-7201
E-mail: rmalfabon@dot.state.nv.us

FOR CITY: Nick Marano, Carson City Manager
Attn: Darren Schulz
3505 Butti Way
Carson City, NV 89701-3498
Telephone: (775) 887-2355

12. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 17: "NDOT certifies that to the best of its knowledge, the property being relinquished to CARSON is free and clear of hazardous wastes, regulated materials or other harmful substances, with the exception of the area identified in the following paragraph. CARSON acknowledges that it is consenting to acceptance of NDOT's relinquishment of the property in an "AS-IS" condition. In the event that hazardous wastes, regulated materials or other harmful substances are discovered subsequent to the transfer of title of the subject property, CARSON agrees to assume any and all cleanup costs associated therewith."

13. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 18: "CARSON acknowledges that there may be hazardous wastes and/or regulated materials present on the property for which it is consenting to acceptance of relinquishment from NDOT in the area of the underground storage tank (UST) system located at 4385 South Carson Street, Carson City, NV 89701. CARSON agrees to take any actions necessary in respect to the UST system in accordance with all the applicable Environmental Protection Laws, Standards, and Regulations. CARSON acknowledges that it is taking the subject property with full knowledge of the risk of possible presence of hazardous wastes and/or regulated materials in, around, and/or under the UST system and further agrees to hold NDOT harmless and indemnify and defend NDOT against any and all losses, damages, claims, costs, penalties, liabilities, and expenses arising from or incurred because of, or incident to, or otherwise with respect to hazardous waste or regulated materials that may be present in, around, and/or under the UST system and/or the adjoining property."

14. This Amendment shall not become effective until and unless approved by appropriate official action of the governing body of each party.

IN WITNESS WHEREOF, the above named parties have hereunto set their hands and executed this Amendment the date first written above.

CARSON CITY

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Director

Reviewed and Recommended:

Deputy Director

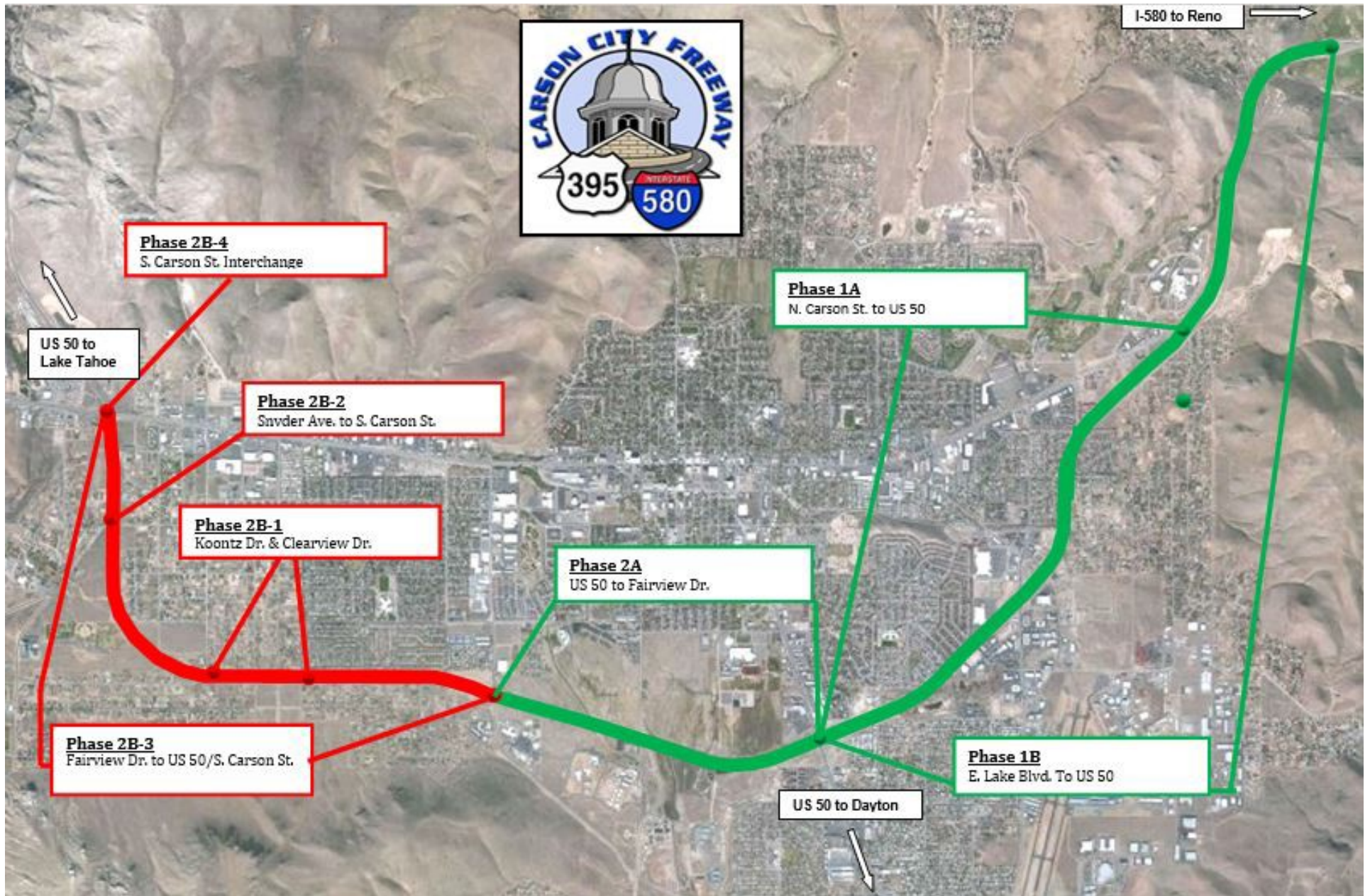
Approved as to Legality and Form:

Deputy Attorney General

Clerk Recorder,

Date

EXHIBIT 1



ATTACHMENT A**Summary of Right of Way**

Roads to be transferred to Carson City upon completion of Carson Freeway Phase 2B-3

Location:	From*	To*	Length (mi.)*
SR 518 Snyder	Carson St.	Jacobsen Way	1.017
Carson Street	South ROW line of Fairview	North ROW line of Spooner Interchange	1.750
FRCC01- the following three segments of this frontage road falls within Carson Street Right-of-Way and will be transferred with the portion of Carson St. from Fairview Ave. to Spooner Junction.			
Segment 1a.	0.096 Miles S. of Lupin Dr.	Arthur Dr.	0.287
Segment 1b.	Roland St.	Snyder Ave.	0.245
Segment 2	Roventini Way	Clearview Dr.	0.074
Segment 3	S. Carson St. (past Koontz Ln./Moses Ave.)	S. Carson St. (near Sonoma)	0.519
Total to be transferred to City upon completion of Carson Freeway Phase 2B-3			3.892
*Notes:			
1) Termini shown are approximate and only for reference. Actual limits will be defined in right-of-way documents.			
2) Length shown is approximate and only for reference. Actual lengths will be defined in right-of-way documents.			
3) Actual conveyance of the properties will occur upon recordation of the resolution.			
4) There will be no transfer of ownership of any portion of roadways falling within Carson Freeway right-of-way.			

EXHIBIT 2

NEVADA ETHICS OPINION REQUEST

16-78C

NEVADA COMMISSION ON ETHICS THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

RECEIVED

NOV 07 2016

COMMISSION
ON ETHICS

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: (Last, First)	BRAD BONKOWSKI		TITLE OF PUBLIC OFFICE: (Position: e.g. city manager)	WARD 2 SUPERVISOR
PUBLIC ENTITY: (Name of the entity employing this position: e.g. the City of XYZ)	C.C. BOARD SUPERVISORS			
ADDRESS: (Street number and name)	CITY HALL	CITY, STATE, ZIP CODE	C.C. NV.	
TELEPHONE:	Work: 887-2100	Other: (Home, cell)	E-MAIL:	

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here ☒ if additional pages are attached.

C.C. Board of Supervisor Meeting
7-7-16 OWNER OF PROPERTY + LEASE
CONFLICT OF INTEREST
ITEM # 29 B Page 6

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body?
If yes, describe:

?

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input checked="" type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input checked="" type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input checked="" type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input checked="" type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input checked="" type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input checked="" type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input checked="" type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☐ if additional pages are attached.

NAME and TITLE: (Person #1)		PATRICK PITTENGAR	
ADDRESS:		CITY, STATE, ZIP	C.C. NV.
TELEPHONE:		E-MAIL:	
Work: 283-7396 Other: (Home, cell)			
NATURE OF TESTIMONY:		Prepared Information for Presentation OF 7-7-16 Agenda Item #29B B.C	


NAME and TITLE: (Person #2)		Logan Buchanan	
ADDRESS:		CITY, STATE, ZIP	C.C. NV. 89712
TELEPHONE:		E-MAIL:	
Work: Other: (Home, cell)			
NATURE OF TESTIMONY:		Knowledge of Right of Way Lease	

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).

Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) _____.

7. REQUESTER'S INFORMATION:

YOUR NAME:	JERRY VACCARO			
YOUR ADDRESS:	P.O. Box 805		CITY, STATE, ZIP:	CC. NV. 89702
YOUR TELEPHONE:	Day: 721-8859	Evening:	E-MAIL:	

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.

Signature: 

Date: 11-4-16

Print Name: JERRY VACCARO

You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703



Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

PUBLIC WORKS DEPARTMENT

CARSON CITY NEVADA

Consolidated Municipality and State Capital



Dirk Goering, AICP
Senior Transportation Planner

Ph: 775-283-7431

Fx: 775-887-2112

E-mail: Dgoering@carson.org

3505 Butti Way, Carson City, NV 89701-3498

PUBLIC WORKS DEPARTMENT

CARSON CITY NEVADA

Consolidated Municipality and State Capital



Patrick Pittenger, AICP, PTP
Transportation Manager

Ph: 775-283-7396

Fx: 775-887-2112

E-mail: Ppittenger@carson.org

3505 Butti Way, Carson City, NV 89701-3498

STATE OF NEVADA

Department of Transportation



LOGAN BUCHANAN

Right-of-Way Agent

Right-of-Way Division

1263 S. Stewart Street
Carson City, Nevada 89712

Email: lbuchanan@dot.state.nv.us

Office Phone: 888-7348

Fax: 888-7313

Area Code: 775

Brad Bonkowski is an elected official of Carson City holding the position of Supervisor, Ward 2. On July 7, 2016 Mr. Bonkowski did knowingly participate and vote on Board of Supervisors agenda item 29B when he should have recused himself. Mr. Bonkowski went so far as to make the motion to approve this agenda item.

Document #1 shows Agenda item 29B. Page 6, paragraph 13 shows amendment to an agreement with NDOT that will give responsibility of an underground storage tank system to Carson City. The system is at 4385 South Carson st. Mr. Bonkowski is an owner of this property and holds a lease to the NDOT property where the tanks are located.

Document #2 are the minutes to the supervisor meeting on this day. These minutes show that the city and Mr. Bonkowski were aware there is a cost to the city for clean up at this tank site. Viewing the video of this meeting will give you a much better understanding of the discussion and issues involved with this issue.

Document #3 shows that Supervisor Bonkowski does hold a lease for parking from NDOT. Page 10 shows Mr. Bonkowski holds a right to ingress and egress to the parcel the tanks are located on. This parcel has been split into two pieces. APN 009 161 22 is for parking. APN 009 161 23 is for ingress and egress and is the location of the tanks.

Document #4 shows that the lease was renewed on April 6, 2015. There is no notice the ingress or egress is rescinded. In fact it is noted on page 3 the ingress and egress remain part of the lease.

Document #5 shows that NDOT considers Mr. Bonkowski the owner of the leaking tanks.

Document #6 shows Mr. Bonkowski is maintaining an account for this tank system in the Nevada Petroleum Fund, thereby admitting ownership of the tank system.

Document #7 and #8 describe the situation of the tanks in 1996. It is not known what today's situation is or what it might cost the taxpayers of Carson City to take ownership of the tank system or lease properties Mr. Bonkowski has a substantial interest in.

Document #9 shows an aerial view of the parcels.

It is clear that Supervisor Bonkowski has a substantial interest in the tank location and the tank system. Mr. Bonkowski blatantly ignored his conflicts and did even make the motion to pass this agenda item.

City staff reported that the city is aware of the issue and working with the neighbors to make a deal to clean up the fuel spill. Patric Pittenger presented this agenda to the Board of Supervisors.

Even if Mr. Bonkowski has no ownership of the tank system or a lease on the tank parcel he has substantial interest in the parking and tank parcels. Without access to these parcels he has no parking and no access to parking. It follows that without parking he has no business.

With the obvious disregard for the proper conduct of an elected official, Supervisor Bonkowski should be penalized to the greatest extent allowable.

NRS violations :

NRS 281A.020 (1)

NRS 281A.400 (3) ??

NRS 281A.400 (6) ??

NRS 281A.400 (9) Patric Pittenger did not mention the tanks until questioned about them during public comment.

NRS ~~281A.420 (1)~~

NRS 281A.420 (3)

July 30, 2016

Carson City takeover from NDOT of So Carson St from Fairview to Appian.

Chronology:

1989 Mar 15, William Schneider leased the subject parcel from NDOT.

1993 Jul 1, Schneider renewed the lease to Jun 30, 1998. APN 009-161-08 &09

2005 Feb 28, Gregg Street Partners LLC purchased 4385 So Carson, APN 009-161-15, from Schneider for \$800,000.

2005 Feb 28, Schneider's reciprocal easement over 009-161-15,16 &17.



2010 May 26, Gregg Street leased a portion of NDOT land also leased to Schneider, APN 009-161-14. An "L" shaped parcel 2,556 sf @ \$1,922 per year.



2010 Carson City Assessor acknowledged the recorded NDOT lease and changed 009-161-14 to 009-161-22 to Gregg Street and 009-161-23 to NDOT.

2013 Jan 10, Schneider's 1993 NDOT lease was terminated, APN 009-161-08&09. No record of lease extended from 1998 to termination in 2013.

2015 Apr 6, Gregg Street lease renewed with NDOT Jun 1, 2015 to May 31, 2020 @ \$1,413 per year.

Statements & Questions:

NDOT leases portions of it's So Carson right of way to adjoining businesses. See list below. Carson City may continue the leases or terminate them.

The fourth amendment to the NDOT agreement was approved by the BUS on July 7, 2016. Article III was amended whereby the City agreed to be responsible for possible hazardous waste spill on a NDOT parcel previously leased to a gas service station. The amendment identifies 4385 So Carson Street owned by Gregg Street Partners LLC instead of the contiguous parcel, 009-161-23, owned by the State. Carson agreed to hold the State harmless. This appears to be the first disclosure of a potential hazardous site by NDOT.

Amendment 4, page 11, reference to APN 009-161-23

12. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 17: "NDOT certifies that to the best of its knowledge, the property being relinquished to CARSON is free and clear of hazardous wastes, regulated materials or other harmful substances, with the exception of the area identified in the following paragraph. CARSON acknowledges that it is consenting to acceptance of NDOT's relinquishment of the property in an "AS-IS" condition. In the event that hazardous wastes, regulated materials or other harmful substances are discovered subsequent to the transfer of title of the subject property, CARSON agrees to assume any and all cleanup costs associated therewith."

13. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 18: "CARSON acknowledges that there may be hazardous wastes and/or regulated materials present on the property for which it is consenting to acceptance of relinquishment from NDOT in the area of the underground storage tank (UST) system located at 4385 South Carson Street, Carson City, NV 89701. CARSON agrees to take any actions necessary in respect to the UST system in accordance with all the applicable Environmental Protection Laws, Standards, and Regulations. CARSON acknowledges that it is taking the subject property with full knowledge of the risk of possible presence of hazardous wastes and/or regulated materials in, around, and/or under the UST system and further agrees to hold NDOT harmless and indemnify and defend NDOT against any and all losses, damages, claims, costs, penalties, liabilities, and expenses arising from or incurred because of, or incident to, or otherwise with respect to hazardous waste or regulated materials that may be present in, around, and/or under the UST system and/or the adjoining property."

The assessor's improvement list shows 2 underground storage tanks: a 10,000 gal and a 5,000 gal both installed in 1967 on the State parcel, 009-161-23.

At the July 7 hearing, Patrick Pittenger stated NDOT believes the tank (singular) is "stable" instead of referring to the two (2) tanks.

Given the contaminated site is on State property and may require State EPA approval of the cleanup, why should Carson City taxpayers take on the risk?

Supervisor Bonkowski is a manager of Brandie Enterprises LLC. Brandie LLC is a partner in Gregg Street Partners LLC. Bonkowski made the motion to approve and voted for the amendment on July 7.

In our opinion Bonkowski should have recused himself due to his current financial interest in Gregg Street Partners LLC which has had a land lease with NDOT since 2010. The lease will soon be assumed by Carson City.

If found Bonkowski should have recused himself, will the amendment need to be a new vote?

Pittenger stated the City will be negotiating the potential hazardous NDOT parcel with the adjacent owner which is Gregg Street Partners

Has the NDOT conducted any studies/testing of the site?

Is it possible contamination is beyond the limits of NDOT parcel 009-161-23?

Does the \$5 million dollar payment include an estimate/allowance for site cleanup? If yes, how much?

Status of NDOT leased parcels. There maybe errors as some documents are not available online and some dates are in conflict:

009-111-22 SLR Building 5 yrs from 3/20/12 @ \$900/yr.

009-111-16 Nissan lease terminated 12/1/12.

009-122-01 Bolinsky lease terminated 3/7/12.

009-122-03 Carson City Toyota lease terminated 5/19/10.

009-123-01 MGP Reit

009-123-13 MGP Reit

009-125-01 McDonald's fr 8/6/06 @ \$10,600/yr.

009-125-09 Eden Mgt fr 3/20/12 @ \$1,600/yr.

009-152-06 Carson Toyota fr 10/9/12 @ \$3,380/yr.

009-153-13 Joda fr 1/11/13 @ \$4,500/yr

009-153-15 Goel Ventures fr 3/4/13 @ ?

009-161-10 Avita fr 2/26/15 @ \$897/yr.

009-161-22 Gregg Street fr 6/1/15 @ \$1,413/yr.

009-161-23 Schneider lease terminated 1/10/13.

009-163-14 Joda fr 4/2/13 @ ?

009-167-08 Tanglewood NV fr 7/1/13 @ \$2,419/yr.

009-167-09 Tanglewood NV fr 7/1/13 @ \$1,000/yr.



STAFF REPORT

Doc #1
Item #29.B
Pg. -6

Report To: Board of Supervisors

Meeting Date: July 7, 2016

Staff Contact: Darren Schulz, Public Works Director

Agenda Title: For Possible Action: To approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada, Department of Transportation. This amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed-upon pavement improvement project on South Carson Street. (Darren Schulz, dschulz@carson.org)

Staff Summary: The current Freeway agreement does not account for the current and future phasing of the overall project or the City's desire to modify the design of South Carson Street following the opening of Phase 2B-3 to traffic. A significant reduction in traffic is expected and the transfer of the street from the State to the City needs to be clarified. The proposed amendment would modify the agreement to account for those factors.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

Move to approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada, Department of Transportation. This amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed-upon pavement improvement project on South Carson Street.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

Original Agreement: April 1997

Amendment 1: October 2004

Amendment 2: December 2007

Amendment 3: September 2009

Background/Issues & Analysis

The Carson City Freeway southern section (Fairview to US 50 West - Phase 2B-3) is expected to open to traffic in the Spring of 2017. Consistent with the amended Carson City Freeway Agreement between the State and Carson City, the Nevada Department of Transportation had been preparing to undertake a significant repaving project on Carson Street. Per the Agreement, the Department intended to complete a project valued at over \$5 million to repair sidewalks, mill-off the surface of the road, perform base patching, re-pave the milled portion, and re-stripe the road. The project would be on South Carson Street south of Fairview Drive. The proposed project would have addressed the pavement condition and sidewalk issues, but would not address other

deficiencies with that section of road and would not address the expected significant change in traffic volumes expected when the last section of the freeway opens to traffic.

If the proposed amendment is approved, the State will implement a much smaller (approximately \$1 million project) in 2016 to preserve the pavement. However, rather than completing the larger project, the State will provide funding in the amount of \$5,128,847.34 to the City for a future project in this corridor. The funding would be restricted to use in this corridor and a project would need to be underway by 2019. The funding from the State would be consistent with the Carson City Infrastructure Tax (1/8th cent) cost summary, which estimated \$5,008,000 of State funds. City staff would undertake the planning, design, and construction of a project to modify and improve the street using the State funds, the infrastructure tax funds, utility funds as needed, and potentially Federal grant funds to be pursued.

An additional element of the proposed agreement is that it would clarify that the remaining \$7,127,340 the City owes to the State per the agreement for the construction of the freeway would not be payable until after the completion of the interchange at the south terminus of the freeway project. That interchange - Phase 2B-4 - is planned, but not programmed or funded at this time.

Applicable Statute. Code. Policy. Rule or Regulation

N/A

Financial Information

Is there a fiscal impact? ☒ Yes ☐ No

If yes, account name/number: RTC Fund

Is it currently budgeted? ☐ Yes ☒ No

Explanation of Fiscal Impact: If approved, the amendment would result in an increase to the RTC of \$5,128,847.34 to be used only for a project to improve the portion of South Carson Street to be relinquished to Carson Street between Fairview Drive and approximately Snyder Avenue.

Alternatives

Modify proposed agreement amendment, which would require further negotiations with the State.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

**Amendment No. 4 to Highway Agreement No. R159-97-060
As Amended By
Highway Agreement No. R386-04-002**

This Amendment is made and entered into on _____, between the State of Nevada, Department of Transportation, hereinafter referred to as "NDOT", and Carson City, Nevada, a consolidated municipality under the Nevada Revised Statutes, hereinafter referred to as "CARSON".

WITNESSETH:

WHEREAS, on April 1, 1997, the parties entered into Agreement No. R159-97-060 to facilitate the construction of Phase 1 of the Carson City Freeway (Carson City Bypass), a limited access freeway passing downtown Carson City on the east side of Carson City, from US-395 north at Lakeview Hill to the intersection of US-395/US-50 south, which included preliminary engineering, right-of-way acquisition, construction, and construction engineering; and

WHEREAS, on October 14, 2004, the parties entered into Agreement No. R386-04-002, constituting Amendment No. 1 to Agreement No. R159-97-060, for the purpose of addressing construction of Phase 2 of the Carson City Freeway (Carson City Bypass) and addressing CARSON's financial contribution to Phase 2; and

WHEREAS, on December 27, 2007, the parties entered into Amendment No. 2 to Agreement No. R159-97-060 as amended by Agreement No. R386-04-002, in order to modify CARSON's remaining Phase 1 funding obligation by identifying certain portions of State highways along with attendant maintenance responsibilities to be relinquished to CARSON by NDOT; and

WHEREAS, on September 4, 2009, the parties entered into Amendment No. 3 to Agreement No. R159-97-060 as amended by Agreement No. R386-04-002, in order to modify CARSON's remaining Phase 2 funding obligation, whereby additional State highways, along with attendant maintenance responsibilities, were relinquished to CARSON; and

WHEREAS, NDOT has proceeded with the construction of Phase 2 of the Carson Freeway (Carson City Bypass) in four (4) sub phases – 2B-1, 2B-2, 2B-3, and 2B-4 as shown on Exhibit 1, attached hereto and incorporated herein; and

WHEREAS, sub phases 2B-1 and 2B-2 are complete, and 2B-3 will open the freeway to traffic in 2017; and

WHEREAS, sub phase 2B-4 which will provide an interchange and complete Phase 2B is not programmed to be completed as of 2016; and

WHEREAS, the parties now desire to make certain modifications and amendments to Highway Agreement No. R159-97-060 as amended by Highway Agreement No. R386-04-002, providing for the transfer from NDOT to CARSON of portions of State highways and their attendant maintenance duties, obligations and responsibilities, and provide for the modification of CARSON's remaining funding obligations for PHASE 2 of the Carson City Freeway (Carson City Bypass); and

WHEREAS, NRS 408.527 provides a procedure for the relinquishment of portions of State highways.

NOW THEREFORE, the parties agree as follows:

1. Article I, Paragraph 1, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall relinquish to CARSON and CARSON shall accept the ownership of those certain portions of State highways identified in Attachment "A"-

Summary of Right of Way, and Exhibit 2, attached hereto and incorporated herein, together with all of their attendant maintenance duties, obligations and responsibilities."

2. Article I, Paragraph 2, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "The maintenance duties, obligations and responsibilities for those portions of State highways identified in Attachment "A" and Exhibit 2 shall be transferred from NDOT to CARSON upon the completion and opening of Phase 2B 3 to traffic, the recordation of the Resolution Consenting to Relinquishment and Land Transfer Agreement (Relinquishment) for each portion of highway to be transferred, and Relief of Maintenance from the District Engineer."

3. Article I, Paragraph 3, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall provide CARSON with copies of records regarding those certain portions of State highways to be relinquished from NDOT to CARSON as identified in Attachment "A" and Exhibit 2, attached hereto and incorporated herein, which records shall include but not be limited to legal descriptions, right-of-way maps, permits, maintenance records, as-built plans, and structural details."

4. Article I, Paragraph 4, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall prepare, all legal descriptions and maps necessary for the relinquishment of those certain portions of State highways identified in Attachment "A" and Exhibit 2, attached hereto and incorporated herein."

5. Article I, Paragraph 5, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall provide CARSON with legal descriptions and maps for CARSON's review and comment prior to NDOT's relinquishment to CARSON of those portions of State highways identified in Attachment "A" and Exhibit 2, attached hereto and incorporated herein."

6. Article I, Paragraph 6, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "The parties hereto shall complete the relinquishment of those certain portions of State highways as identified in Attachment "A" and Exhibit 2, together with the relinquishment and transfer of their attendant maintenance duties, obligations and responsibilities, upon Relief of Maintenance from the District Engineer. Before relinquishment, NDOT will conduct plantmix patching and microsurfacing of the roadway, and replace of substandard curb and ADA ramps."

7. Article I, Paragraph 7, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "The parties hereto shall comport with the requirements of NRS 408.527 in facilitating NDOT's relinquishments to CARSON of those portions of State highways identified in Attachment "A" and Exhibit 2, attached hereto and incorporated herein. NDOT shall prepare a Relinquishment for issuance by its Board of Directors. Should NDOT's Board of Directors approve the Relinquishment relating to those portions of State highways identified within Attachment "A" and Exhibit 2, NDOT shall cause a certified copy or copies of the Relinquishment to be filed with CARSON's legislative body. NDOT shall record the Relinquishment in the office of the Carson City Recorder, and upon recordation, all right title and interest of NDOT in and to said portions of highway shall vest in CARSON. CARSON's duty to maintain those portions of State highways shall commence upon the recordation of the Relinquishment for each portion of State highway transferred."

8. Article I, Paragraph 11, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall pay CARSON a sum not to exceed Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00) upon Relinquishment relating to those portions of State highways identified within Attachment "A" and Exhibit 2, in lieu of NDOT's performance of pavement surfacing of Carson Street which was to be undertaken by NDOT, and which sum represents the estimated costs for the most appropriate pavement

surfacing strategy in accordance with current NDOT standards, including, at a minimum, a two (2) inch overlay. Through NDOT's provision of said payment, NDOT shall be deemed to have fulfilled its obligation to rehabilitate the State highway pavement from Fairview Drive in the north to the new at-grade intersection with the Carson City Freeway/U.S. Highway 50 West in the south, hereinafter referred to as Spooner Interchange.

(A) Upon recordation of the Relinquishment and Relief of Maintenance from the District Engineer, CARSON CITY shall invoice NDOT for the total sum of Five Million Five Hundred Thousand and No/100 Dollars (\$5,500,000.00).

The payment to CARSON CITY is being reduced to collect the outstanding balance of Invoice number 03327J0901 (\$371,152.66). Therefore, the total payment amount to CARSON CITY will be in the amount of (\$5,128,847.34).

(B) CARSON shall utilize the funds identified in Article I, Paragraph 11, of this Amendment, for improvements to include a Complete Streets Project, within the relinquished State highways area identified within Attachment "A" and Exhibit 2 only. CARSON agrees to have its Complete Streets Project under construction by the end of 2019."

9. Article I, Paragraph 12, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "NDOT shall defer until after the completion of the Carson City Freeway (Carson City Bypass), including a full interchange at Carson Street/U.S. Highway 50 West at the southern terminus of the Carson City Freeway, CARSON's payment of its remaining funding obligation of Seven Million One Hundred Twenty-Seven Thousand Three Hundred Forty and No/100 dollars (\$7,127,340.00), relating to CARSON's contribution to Phase 2 of the Carson City Bypass Project, as required pursuant to Agreement No. R159-97-060, as Amended by Agreement R386-04-002."

10. Article I, Paragraph 13, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "The parties agree that should any alternative funding sources, not yet identified, be made available for the Carson City Freeway (Carson City Bypass) Project, NDOT shall consider the application of that funding toward CARSON's funding obligations for Phase 2 of the Carson City Freeway (Carson City Bypass) Project, as required pursuant to Article II, Paragraph 4 of Agreement No. R386-04-002, said Agreement constituting Amendment No. 1 to Agreement No. R159-07-060."

11. Article I, Paragraph 15, provided in Amendment No. 3 is amended by deleting it in its entirety and inserting in its place: "All notices or other communications required or permitted to be given under Agreement No. R159-97-060, as amended by Agreement No. R386-04-002, shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below, or provided by e-mail at the address set forth below:

FOR DEPARTMENT: Rudv Malfabon, P.E., Director
Nevada Department of Transportation
1263 South Stewart Street
Sparks, NV 89431
Telephone: (775) 888-7440
Fax: (775) 888-7201
E-mail: rmalfabon@dot.state.nv.us

FOR CITY: Nick Marano, Carson City Manager
Attn: Darren Schulz
3505 Butti Way
Carson City, NV 89701-3498
Telephone: (775) 887-2355

Fax: (775) 887-2112
E-mail: dschulz@carson.org"

12. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 17: "NDOT certifies that to the best of its knowledge, the property being relinquished to CARSON is free and clear of hazardous wastes, regulated materials or other harmful substances, with the exception of the area identified in the following paragraph. CARSON acknowledges that it is consenting to acceptance of NDOT's relinquishment of the property in an "AS-IS" condition. In the event that hazardous wastes, regulated materials or other harmful substances are discovered subsequent to the transfer of title of the subject property, CARSON agrees to assume any and all cleanup costs associated therewith."

13. Article III provided in Agreement R159-97-060 is amended by adding Paragraph 18: "CARSON acknowledges that there may be hazardous wastes and/or regulated materials present on the property for which it is consenting to acceptance of relinquishment from NDOT in the area of the underground storage tank (UST) system located at 4385 South Carson Street, Carson City, NV 89701. CARSON agrees to take any actions necessary in respect to the UST system in accordance with all the applicable Environmental Protection Laws, Standards, and Regulations. CARSON acknowledges that it is taking the subject property with full knowledge or the risk of possible presence of hazardous wastes and/or regulated materials in, around, and/or under the UST system and further agrees to hold NDOT harmless and indemnify and defend NDOT against any and all losses, damages, claims, costs, penalties, liabilities, and expenses arising from or incurred because of, or incident to, or otherwise with respect to hazardous waste or regulated materials that may be present in, around, and/or under the UST system and/or the adjoining property."

14. This Amendment shall not become effective until and unless approved by appropriate official action of the governing body of each party.

IN WITNESS WHEREOF, the above named parties have hereunto set their hands and executed this Amendment the date first written above.

CARSON CITY

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Director

Reviewed and Recommended:

Deputy Director

Approved as to Legality and Form:

Deputy Attorney General

Clerk Recorder,

Date

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Doc #2

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

29(B) POSSIBLE ACTION TO APPROVE AMENDMENT NO. 4 OF THE CARSON CITY FREEWAY AGREEMENT, WITH THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION; THIS AMENDMENT WILL SPECIFY WHEN THE STATE-OWNED PORTIONS OF SOUTH CARSON STREET AND SNYDER AVENUE WILL TRANSFER TO THE CITY, WHEN THE REMAINING PAYMENTS TO THE STATE WILL RESUME IN THE FUTURE, AND PROVIDE FOR A TRANSFER OF FUNDS FROM THE STATE TO THE CITY IN LIEU OF A PREVIOUSLY AGREED UPON PAVEMENT IMPROVEMENT PROJECT ON SOUTH CARSON STREET (11:17:30) - Transportation Manager Patrick Pittenger introduced and provided an overview of this item, and introduced NDOT Assistant Director of Engineering John Terry. In conjunction with displayed slides, Mr. Pittenger reviewed the provisions of the proposed amendment, copies of which were included in the agenda materials. In response to a question, Mr. Pittenger advised of being "very comfortable with the figure related to the cost of the project that they had designed. They ... went to at least 90 percent design on that project. They were fully prepared to comply with the obligations of the current agreement, which was to construct that project. And, to prove it, they went through and past 90 percent design on that and they have a wonderful staff of lots of different types of engineers; whether it was looking at the ADA issues out there with the sidewalks or at ... the structural integrity of the pavement out there. So we're very confident."

In response to a question, Mr. Pittenger advised that the design process will have "extensive input. ... But even before we do that extensive input process that you have at the design level, we would have that conceptual corridor study which is certainly not as expensive or intense, but there will absolutely be public involvement at that. We have a scope of work we put together with a potential consultant and ... we'd have multiple opportunities for public meetings, both early on and later on in the process, even at the conceptual level, in addition to the fact that ... we're always available. But we would have actual, proactive ... go out there and seek input." In response to a comment, Mr. Pittenger advised that if the amendment is approved at this meeting, "we would be undertaking that this fall ... because we do realize that while ... the deadline to have something under construction by 2019 seems like it's a ways off, we ... realize the need to get the ball rolling."

Mr. Pittenger and Public Works Department Director Darren Schulz responded to additional questions of clarification regarding invoiced costs, possible disposition of excess right-of-way / frontage, and the complete streets project requirement. (11:40:15) Mr. Terry provided additional clarification of the complete streets project requirement. He responded to questions regarding the funding source and specific allocation of the funding. In response to a further question, Mr. Pittenger clarified, "We are not saying the

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\$5 million is enough to make improvements. We are saying that we agree with NDOT that the money they budgeted was enough to do the paving and the sidewalks. And the only way we can do those other elements is if we have additional funds. And, as I indicated in the presentation, specifically those other funds are a portion ... from the 1/8 cent sales tax, a portion is from utility funds. So, already right there, those are additional funds. And those would be enough to do a complete streets project. It's the \$5 million plus those other sources and, in addition to that, we're going to pursue other sources as well." Mr. Pittenger acknowledged sufficient funding for the project. In response to a further question, Mr. Pittenger further clarified "the reason ... we can feel comfortable saying that we'll do a complete streets project is because it will be scaled. For example, a complete street will accommodate bicycles, pedestrians, and vehicles. If you accommodate bicycles, you can do so with a bike lane. But you could do it with a buffer bike lane or you could do it with a multi-use path. Those different options cost different amounts of dollars. And, if we are successful in getting a \$750,000 grant from the federal government, through NDOT, that may allow us to do better accommodation for bicycles. But we feel confident that, at a minimum, we can provide accommodation for all modes."

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comment. (11:50:49) Donna Inversin, representing Muscle Powered, expressed support for complete streets and pointed out that "Carson City has passed a policy for complete streets so that kind of mandates us to always look at any project to make sure that we can accommodate all forms of transportation." She discussed the benefits of complete streets, and discussion ensued.

(11:53:45) Mayoral Candidate Chris Carver expressed specific objection to the language in paragraph 8(B) of the proposed amendment. Mayor Crowell advised that the City has adopted a complete streets policy. Mr. Carver discussed opposition to narrowing Carson Street. "We don't want to see an expenditure of tax money to narrow this street specifically. We do agree with not wasting the Nevada State taxpayers money on digging up this street again if we have to redesign it. We have an urgent need today to address the Appion Way intersection and it doesn't include a complete streets project. Maintenance that Mr. Pittenger referred to, as we've seen in the north corridor on Carson Street, is being transferred partially to the business owners. Nobody's talked to the business owners on South Carson Street." Mr. Carver requested to know the costs prior to entering into the amendment. He acknowledged he was not comfortable with Mr. Pittenger's assurances relative to a complete streets project. Discussion followed.

In response to a question, Mr. Schulz advised of no discussion regarding the South Carson Street business owners contributing to the project. He clarified that "the concept of a complete street for South Carson was adopted about four years ago. At that time, we sat down with a number of the businesses along South Carson and talked about ideas and concepts. It was very high level, 30,000-foot, this is the direction we want to go in the future. ... And since then, we haven't readdressed or reconnected with them until we got closer along to whether or not we had a project. At that time, there was no discussion in terms of maintenance and turning the maintenance over to those businesses. That was never talked about nor is it potentially ... at this point, planned. We haven't got that far."

Mr. Marano discussed plans for community outreach, and advised of having talked with "numerous property ... and business owners as recently as yesterday afternoon about this particular project." He further

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advised of having “an agreement, in principle, from a couple of them to form a South Carson Street business association so that there is ... an umbrella group to provide that type of advocacy for the business owners. What they've already relayed to me, what's most important to them, probably in the order of priority, are those right-of-way parcels that currently many of them are leasing. They're interested in the flow of traffic. They want it to be as easy as possible for someone to get off the freeway at Spooner, come to their place of business without ... any type of unnecessary delay. So ... we're already working ... with both the property and the business owners to ... come up with the right plan; something that's going to fit the needs of that particular area.”

In response to a question, Mr. Terry advised that NDOT's “paving project was planned to go this summer. So it would be open to traffic before the freeway would've been open. You could certainly have gone back and restriped it to less lanes but we didn't feel it was responsible to go through and narrow the number of lanes before the freeway was opened. That would be over capacity and it wouldn't handle it. That was the quandary we were in is we were trying to turn over a street that handled the current traffic that's on it and we felt we couldn't wait to do the overlay of the street til after the freeway was constructed.”

Mr. Carver expressed the opinion “that speaks exactly to the point. ... we're asking, in this case, for the City to approve a project that's basically not even in concept stage without having done the leg work that needs to be done on what the end state is.” Discussion followed and, in response to a question of clarification, Mr. Terry expressed the belief that the traffic numbers would not justify the current number of lanes and we would design it to less lanes after the freeway were open. We may even go to a street that is like a complete street ... we are doing [that] in other areas. But, frankly, we knew the street was going to be turned over to the City and we think that's a local decision of what to do with that street and that's why we entered into this agreement. But, no, it does not justify the number of lanes that are out there today once the traffic is on the freeway.”

In response to a comment, Mr. Carver clarified, “I speak for the majority of the people that talk to me.” Supervisor Bonkowski thanked Mr. Carver for the clarification, and stated, “That's not the way it's coming across just so you know.”

Mayor Crowell entertained additional public comment. (12:04:10) Charlene Mannen introduced herself as a realtor with “two clients ... in the area.” She commended Mr. Pittenger as having been very helpful to answer questions. She advised that her clients are supportive of the subject project.

(12:05:15) Paul McGrath provided historic information on the fuel tax, and expressed objection to the proposed amendment “because there's been no voter interaction with making these changes to this ... money.” He responded to questions of clarification, reiterated a requirement for voter approval, and reviewed additional historic information relative to the fuel tax. In response to a question, Mr. McGrath cited the Dillon Rule as the requirement for voter approval on increased taxes. Supervisor Bagwell advised that the “law ... implemented to put the gas tax in place originally gave the authority to the Board of Supervisors and the county commissions.” Discussion followed.

Mayor Crowell entertained additional public comment. (12:13:37) Ward 2 Supervisor Candidate Maurice

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White discussed concerns regarding the provisions in paragraphs 12 and 13 of the proposed amendment. In response to a question, Mr. Pittenger advised of having spoken with NDOT Right-of-Way Division staff regarding the underground storage tank system at 4385 South Carson Street. He advised of having been informed that the site is "described as stable; not a current, ongoing issue at this time. This is making sure that we are aware, which we already were, of the situation that's there. NDOT actually shared with me some of the history of the discussions they've had, some of the options that we have going forward. The bottom line is that our understanding is that not only are we aware of it but this is going to be part of the discussions that are had with the adjacent property owner regarding the lease plan. As we discussed previously, there are leased lands along both sides. This is part of one of those so it's going to fall under the heading of ... negotiations with that property owner." Mr. Pittenger acknowledged awareness of the nature of hazardous materials at the site. He reiterated that "NDOT's experts have indicated that they believe it is stable; has been stable for some time and there's no expectation that it would be anything but stable unless it is disturbed in some manner." In response to a further question, Mr. Pittenger explained that the provisions of paragraph 12 represent "a general statement for the entire corridor and that the following paragraph is a caveat for one specific location within that corridor." In response to a further question, Mr. Pittenger advised that NDOT had not provided a specific cost estimate for cleanup of the site. "They did indicate that their preliminary evaluation, calculations were that the cost was actually less than the value of the property. In fact, one of the options they put forward that ... would be available to the City, should this go forward, would be that the City would be able to work with the property owner and basically allow the adjacent property owner to purchase the property but have the money paid to the City be reduced by the amount they would have to pay to do the cleanup. However, that's only one option and that's not been discussed with the property owner. But [NDOT representatives] believe that the cost of the cleanup was worth less than the value of the land."

Mr. White advised of having been involved in "multiple underground cleanups of hydrocarbon situations," and advised against not "taking on somebody else's spill. You have no idea where this is going until you start doing the project. Regardless of studies that are done, regardless of where they think the material has gone, until you start doing the cleanup, you have no idea what's going to happen." Mr. White recommended against the provisions in paragraph 13.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member questions or comments. Mr. Schulz responded to additional questions of clarification. Mayor Crowell entertained additional comments or questions and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve Amendment No. 4 of the Carson City Freeway Agreement with the State of Nevada Department of Transportation; this amendment will specify when the State-owned portions of South Carson Street and Snyder Avenue will transfer to the City, when the remaining payments to the State will resume in the future, and provide for a transfer of funds from the State to the City in lieu of a previously agreed upon pavement improvement project on South Carson Street. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion, and Supervisor Shirk discussed the reasons he would vote against the motion. Supervisor Bagwell discussed the reasons she would support the motion.

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RESULT:	Approved [4 - 1]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

29(C) POSSIBLE ACTION TO APPROVE THE LANGUAGE OF THE BALLOT QUESTION ON MOTOR VEHICLE FUEL TAX INDEXING WHICH WILL BE PLACED ON THE NOVEMBER 2016 GENERAL ELECTION BALLOT, AS REQUIRED BY ASSEMBLY BILL NO. 191 OF 2015 (12:26:15) - Mayor Crowell introduced this item, and entertained public comments. When no public comments were forthcoming, he entertained Board member questions or comments. Mr. Woodbury, Transportation Manager Patrick Pittenger, and Deputy District Attorney Dan Yu responded to questions of clarification, and discussion followed. Mr. Yu acknowledged that the language, as set forth in the ballot question, complies with Assembly Bill No. 191. He noted a revision to be made to the explanation which will provide further clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comment. (12:34:15) Ward 2 Supervisor Candidate Maurice White suggested a revision to the language of the explanation. Mr. Yu offered to work together with Ms. Merriwether, who has final authority on the ballot question language.

Mayor Crowell entertained additional public comment and, when none was forthcoming, Mr. Woodbury noted that the Explanation would be revised, as follows: "A 'YES' vote would require Carson City to enact an ordinance to impose, for the period beginning on January 1, 2017 and ending on December 31, 2026, annual increases to the taxes on certain motor vehicle fuels and other special fuels sold in Carson City, ..." Consensus of the Board was to revise the language to insert the words "and other special fuels," in the "NO" vote paragraph. Mayor Crowell entertained a **motion to approve the ballot language, as presented, with revisions to the explanations as indicated during discussion and reviewed by Mr. Woodbury. Supervisor Bonkowski so moved. Supervisor Shirk seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Jim Shirk
AYES:	Supervisors Bonkowski, Shirk, Abowd, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 12:37 p.m., and reconvened at 12:43 p.m. He provided direction

884

Ptn. of APN 009-161-14

Control Section: CC-02

Parcel: S-529-CC-000.462

Agreement No.: R 102-10-030

Nevada Transportation

JUN 14 AM 8:19

FILE NO.

401662

ALABEYER
CARSON CITY RECORDER

2312 R

AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: STAFF SPECIALIST, PM
1263 S. STEWART ST. Rm. 320
CARSON CITY, NV 89712

MAIL TAX STATEMENT TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
ATTN: RUTH BORRELLI
1263 S. STEWART ST.
CARSON CITY, NV 89712

LEGAL DESCRIPTION PREPARED BY:
HALANA SALAZAR
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION
1263 S. STEWART ST.
CARSON CITY, NV 89712

MULTI-USE LEASE
Nevada Department of Transportation

THIS LEASE, made and entered into this 26th day of MAY, 2010,
between GREGG STREET PARTNERS, LLC a Nevada corporation, whose mailing address is
P.O. Box 21295 Carson City, Nevada 89721, hereinafter called the LESSEE, and the STATE
OF NEVADA, acting by and through its Department of Transportation, hereinafter called the
LESSOR.

WITNESSETH:

The LESSOR, for and in consideration of the agreements, conditions, covenants and
stipulations of the LESSEE as hereinafter provided, agrees as follows:

(a) To lease, demise and let to the LESSEE those certain premises situate, lying
and being in Carson City, State of Nevada, and more particularly described as being a portion of
the NW 1/4 of the NW 1/4 of Section 32, T. 15 N., R. 20 E., M.D.M., and more fully described by
metes and bounds as follows, to wit:

BEGINNING at a point 118.39 feet right of and at right angles to
Highway Engineer's Station "L" 40+55.20 P.O.T.; said point of beginning
further described as bearing S. 11°26'51" E. a distance of 215.60 feet

Doc # 3

from an ALUMINUM CAP SET IN THE OIL SURFACE of SR-529, accepted as the northwest corner of said Section 32; thence the following four (4) courses and distances:

- 1) N. 0°33'09" E. – 16.60 feet;
- 2) S. 89°02'13" E. – 89.84 feet;
- 3) N. 0°30'34" E. – 62.98 feet;
- 4) S. 89°52'34" E. – 19.07 feet to the right or easterly right-of-way line of SR-529 (Carson Street), thence S. 8° 32'30" W., along said right or easterly right-of-way line, a distance of 80.43 feet; thence leaving said right-of-way line, N. 89°06'56" W. a distance of 97.69 feet to the point of beginning; said parcel contains an area of 2,556 square feet (0.06 of an acre).

Said parcel is delineated by shading and identified as Parcel S-529-CC-000.462 on EXHIBIT "A" attached hereto and made a part hereof.

SUBJECT TO any and all existing utilities, whether of record or not.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 27 DATUM, West Zone as determined by the State of Nevada Department of Transportation.

The parties hereto covenant and agree as follows:

1. TERM

(a) The term of this lease shall be for a primary term of five (5) years beginning June 01, 2010 and ending April 30, 2015, plus the option to renew for three extended terms of five (5) years each, the first of such extended terms to begin on the expiration of the initial term and each successive extended term to begin on the expiration of the term immediately preceding.

(b) The LESSEE'S option of renewing this lease is subject to approval of the LESSOR, and shall be exercised in writing by means of certified or registered mail notice to the LESSOR at least one hundred twenty (120) days prior to the commencement of the renewal period.

(c) The LESSEE, keeping and performing the covenants and agreements herein contained on the part of the LESSEE to be kept and performed, shall at all times during the said tenancy peaceably and quietly have, hold and enjoy the leased premises without suit, trouble or hindrance from the LESSOR; provided, however, that LESSEE has performed and fulfilled each and every condition and covenant herein contained to be performed by LESSEE.

(d) In the event of the termination of the lease by the expiration thereof, or for any other reason, LESSEE will peaceably and quietly leave, surrender and yield up to the LESSOR all and singular the leased premises in good order, condition and repair, reasonable

use and wear thereof excepted, and damage by earthquake, fire and public calamity, by the elements or by act of God excepted.

(e) This lease may be terminated, at any time, for any reason by the LESSEE or the LESSOR upon 30 days prior notice, in writing, serving same upon LESSOR or LESSEE as the case may be. This lease will automatically terminate when the LESSOR serves notice upon LESSEE that LESSOR requires the leased premises for a highway purpose, and in such event LESSEE waives any claim for compensation.

(f) It is further mutually covenanted and agreed that upon the expiration or termination of the term hereof, LESSEE shall remove or cause to be removed, within 30 days and at its own expense, any and all personal property or improvements erected, emplaced, or owned by LESSEE (pursuant to United States Environmental Protection Agency form 7530-1 naming LESSEE as owner of record of Underground Storage Tank facility identification 1-000144 and associated appurtenances) on said leasehold, leaving and surrendering said premises in as good order and condition as the premises were in when delivered to LESSEE. Should LESSEE not remove improvements they shall upon said expiration or termination of the term hereof become property of LESSOR upon its option and without compensation by him to the LESSEE.

(g) No holding over by LESSEE shall operate to renew this lease without the written consent of LESSOR endorsed thereon.

2. RENTAL

(a) The LESSEE agrees to pay LESSOR as rent for the leased premises the sum of ONE THOUSAND NINE HUNDRED TWENTY-TWO AND NO/100 (\$1,922.00) per year payable to the LESSOR at 1263 So. Stewart St. Carson City, Nevada 89712 commencing on 1st day of June 2010 and thereafter payable or before the 1st day of each year for which due. In the event of termination, any unearned rental for the remainder of that period wherein termination occurs shall be returned to LESSEE.

(b) If LESSEE fails to pay the rent in full by the fifth calendar day of each year LESSEE shall pay a late charge in the amount of one percent (1%) of rental amount due or NINETEEN AND NO/100 DOLLARS (\$19.00). If a check presented by LESSEE for payment of rent is dishonored by any bank, LESSEE shall pay a non-payment charge in the additional amount of FIFTY AND NO/100 DOLLARS (\$50.00).

(c) LESSOR and LESSEE agree that the rental amount agreed herein shall be automatically reviewed and reevaluated by LESSOR within at least one hundred twenty (120) days prior to the expiration of each five (5) year increment of the term hereof. LESSOR will notice LESSEE, in writing, of rental amount increase or decrease and amend agreement at least thirty (30 days) prior to the expiration of each five (5) year increment of the term hereof.

(d) If any rent shall be due and unpaid after the same shall become payable as aforesaid; or if LESSEE shall not perform and fulfill each and every one of the conditions and covenants herein contained to be performed by LESSEE, or if LESSEE discontinues business in the leased premises for more than a continuous sixty (60) day period; or if LESSEE attempts to sell or assign this lease; such act or acts of omission or commission may, at the option of LESSOR, constitute a forfeiture of all rights under the lease and a voiding of the

lease and an ending of the term of this lease, and the further occupancy of leased premises after such forfeiture shall be deemed held and taken as a forcible detainer by LESSEE; and LESSOR may, with notice and legal process, evict and dispossess the LESSEE from premises.

3. SUBLEASES, ASSIGNMENTS AND ASSIGNMENTS BY OPERATION OF LAW

(a) LESSEE shall not assign this lease without the prior written consent of LESSOR, nor sublet the leased premises in any event.

(b) No holding over by LESSEE shall operate to renew this lease without the written consent of LESSOR endorsed thereon.

4. WAIVER

Failure to declare a breach or the actual waiver by LESSOR of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same, or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by LESSOR shall not be deemed to be a waiver of any preceding breach by LESSEE of any term, covenant or condition of this lease other than the failure of LESSEE to pay the particular rental so accepted, regardless of LESSOR'S knowledge of preceding breach at the time of acceptance of such rental.

5. NOTICES

Any and all notices, demands, or other communications required or permitted to be given under this lease shall be in writing. They shall be served either personally or by mail, service shall be conclusively deemed made at the time of service. If served by certified mail, service shall be conclusively deemed made forty-eight (48) hours after the deposit thereof in the United States mail, postage prepaid, addressed to the party to whom such notice or demand is to be given and the issuance of receipt therefor. Any notice or demand to LESSOR may be given to LESSOR at 1263 S. Stewart Street Carson City, Nevada 89712 Attn: Right-of-Way Division or at such other place or places as shall be designated by LESSOR from time to time. Any notice or demand to LESSEE shall be given to LESSEE at P.O. Box 21295 Carson City, Nevada 89721.

6. IMPROVEMENTS, REPAIRS, MAINTENANCE AND USE OF THE PROPERTY

(a) The LESSEE agrees to maintain the premises in as good a state of repair as when first occupied, ordinary wear and tear excepted.

(b) LESSEE shall place no additional improvements in, on or upon the leased premises except those currently in place. No additional construction or alterations shall be made in or upon the leased premises without prior consent and approval of both LESSOR and the Federal Highway Administration.

(c) LESSEE shall be responsible for the reestablishment by a registered land surveyor of any permanent survey markers or highway right of way monuments disturbed or obliterated during the term of this lease, at LESSEE'S expense.

(d) LESSEE shall place no advertising signs, signboards, or other advertising material on the leased premises during the term of this lease, without prior approval of LESSOR.

(e) LESSEE shall pay for all utilities including water, gas, electricity, sewage, trash disposal, telephone and janitorial services furnished and supplied to or upon any part of the leased premises during the term of this lease.

(f) LESSEE agrees to secure all necessary permits required in connection with operations on the leased premises and shall comply with all Federal, State and local statutes, rules, orders, building codes, ordinances, requirements and regulations which may affect in any respect LESSEE'S use of the leased premises.

(g) LESSEE agrees to keep and maintain at its sole expense, the leased premises free of all weeds, noxious plants, debris and flammable, explosive or hazardous materials of every description, and at all times keep the premises in an orderly, clean, safe and sanitary condition.

(h) All work performed by LESSEE under this lease shall be in accordance with the current editions of the State of Nevada Standard Specifications for Road and Bridge Construction and the Standard Plans for Road and Bridge Construction, and shall be accomplished to the satisfaction of the District Engineer. Copies of applicable plans and specifications are available upon request from the District Engineer.

(i) LESSEE's use of the leased area shall be as follows: The hatched area depicted on the attached Exhibit "A" shall be limited to egress and ingress and those activities associated with underground storage tank and pump maintenance and removal. The shaded area depicted on the attached Exhibit "A" shall be limited to parking.

(j) LESSEE shall not do or permit anything to be done in or about the leased premises which will in any way obstruct or interfere with the rights of other LESSEES or occupants of the building or injure or annoy them or use or allow the leased premises to be used for any improper, immoral, unlawful or objectionable purpose, nor shall LESSEE cause, maintain or permit any nuisance in, on or about the leased premises. LESSEE shall not commit or suffer to be committed any waste in or upon the leased premises.

(k) LESSEE'S violation of any provision of this lease, and failure to correct said violation within a reasonable time after receipt of notice from LESSOR in accordance with the provisions of Paragraph 5 of this lease, shall constitute a forfeiture of all LESSEE'S rights hereunder and shall constitute a voiding and termination of the lease as provided herein.

(l) LESSEE will obey all laws concerning health and safety with respect to hazardous substances, and shall indemnify LESSOR and hold LESSOR harmless from any and all costs and expenses arising out of the use of hazardous substances on the premises.

(m) LESSOR retains the right to enter the leased premises without announcement to inspect and perform field tests on air, water and soil.

(n) Landscaping within the STATE'S right-of-way shall not exceed 2 feet in height unless prior approval is obtained from LESSOR.

7. RIGHT OF ENTRY

LESSOR specifically reserves the right of entry by any authorized officer, engineer, employee, agent or contractor of the LESSOR for the purpose of inspecting the premises, or the doing of any and all acts necessary or proper on the premises in connection with the protection, maintenance, repair, reconstruction, and operation of the premises with 48 hours written notice to LESSEE.

8. INDEMNIFICATION AND INSURANCE

(a) To the fullest extent permitted by law, the LESSEE shall fully exonerate, indemnify, defend and hold harmless the State of Nevada, any of its departments, divisions, agencies, officers, employees or agents from and against any liabilities, damages, losses, claims, actions or proceedings and all expenses incidental to such, based upon or arising out of damage or injury (including death) to persons or property due to any error, negligence, omission or act of the LESSEE or any person employed by LESSEE, or any others for whose acts the LESSEE is legally liable. Expenses shall include, without limitation, the amount of the judgment, court costs, expenses of litigation, expert witness fees and reasonable attorney's fees.

(b) The LESSEE shall furnish a Certificate of Insurance, Declaration Pages and an Endorsement designating the LESSOR as an additional insured under the Lessee's Commercial General Liability Insurance, with a minimum limit of One Million and no/100 Dollars (\$1,000,000.00) per occurrence. Such insurance shall be maintained for the entire period of the LEASE. This policy shall include 30-days advance written notice of any cancellation of said policy. It is further understood and agreed upon by the parties that the LESSEE shall procure, pay for and maintain the above-mentioned insurance coverage at its own sole cost and expense.

(c) The LESSEE'S Commercial General Liability and any umbrella or excess liability policies shall be endorsed to add the State of Nevada, its officers, agents, employees and volunteers as additional insured; said additional insured to be designated as follows: State of Nevada Department of Transportation, Attn: Right-of-Way Division, 1263 South Stewart Street, Carson City, Nevada 89712. The LESSEE'S insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limit of the insurer's liability and shall be primary and non-contributory with respect to all other available sources. Each insurance policy shall be endorsed to provide that coverage shall not be canceled, suspended, voided, non-renewed or restricted by I FSSFF or the insurer except after 30 days prior written notice by certified mail, return receipt requested, given to the LESSOR.

(d) The right to indemnification provided above shall be in addition to, and not in lieu of, any other remedy otherwise available to the State or LESSOR. This indemnification obligation shall not be diminished or limited in any way to the total insurance policy limits required by this lease or otherwise available to the LESSEE.

(e) Upon signing this lease, LESSEE shall provide the LESSOR with a copy of the Certificate of Insurance, Declaration Pages and an Endorsement relative to the policy.

(f) Should LESSEE fail to keep insurance as described above in full force and effect, LESSOR may, in accordance with Paragraph 1 (e) of this lease, void and terminate the tenancy.

9. FAIR EMPLOYMENT PRACTICES

During the term of this lease, the LESSEE, for itself, its personal representatives, successors in interest and assigns, shall comply with the regulations pertaining to nondiscrimination and Title VI of the Civil Rights Act of 1964, as contained in Title 23 Code of Federal Regulations, Part 200, and Title 49 Code of Federal Regulations, Part 21, which are hereby incorporated by reference and made a part of this lease.

10. GENERAL COVENANTS

(a) This lease shall constitute the entire contract between LESSOR and LESSEE, and no modification hereof shall be binding unless it is in writing and signed by the parties.

(b) All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, successors and assigns, as the case may be of the respective parties.

(c) This lease and the rights and obligations of the parties hereto shall be governed by and construed according to, the laws of the State of Nevada. The parties consent to the exclusive jurisdiction of the Nevada district courts for enforcement of this lease.

(d) As used herein the terms LESSOR and LESSEE shall include the plural as well as the singular, and the feminine as well as the masculine, and the neuter.

(e) Time is of the essence of each and all of the terms and provisions of this lease.

(f) This lease shall be recorded by LESSOR.

(g) It is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this agreement.

(h) LESSEE will complete the State of Nevada Controller's Office Vendor Registration Form required by the Department of Transportation.

(i) This lease constitutes the entire agreement of the parties and as such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this lease specifically displays a mutual intent to amend a particular part of this lease, general conflicts in language between any such attachment and this lease shall be construed consistent with the terms of this lease.

Unless otherwise expressly authorized by the terms of this lease, no modification or amendment to this lease shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Attorney General.

(j) The illegality or invalidity of any provision or portion of this agreement shall not affect the validity of the remainder of the agreement and this agreement shall be construed as if such provision did not exist and the unenforceability of such provision shall not be held to render any other provision or provisions of this agreement unenforceable.

(k) LESSOR will be responsible to pay any and all property taxes associated to the leased area as described on page 1 and 2, paragraph (a) of this agreement.

(l) The parties hereto represent and warrant that the person executing this agreement on behalf of each party has full power and authority to enter into this agreement.

IN WITNESS WHEREOF the parties hereto have executed this lease the day and year first above written.

LESSEE:
GREGG STREET PARTNERS, LLC

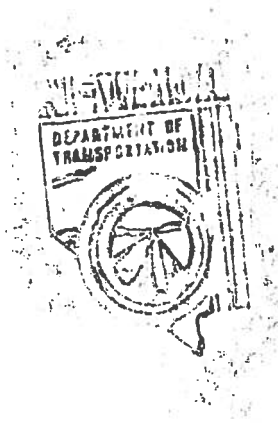
Ramona L Moyle 5-19-10
By: *Ramona Moyle* 4-26-10
Ramona Moyle, Managing Member Date

LESSOR:
STATE OF NEVADA acting by and
through its DEPARTMENT OF
TRANSPORTATION

Ken P. Long 5/10/10
Director Date

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REVIEWED AND RECOMMENDED BY:

N/A
District Engineer Date

md *[Signature]* 5/10/10
Acting Chief Right-of-Way Agent Date

APPROVED AS TO LEGALITY AND FORM:

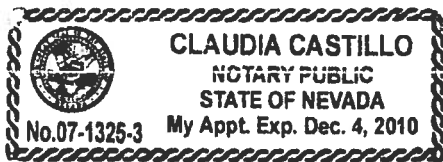
[Signature] 5/18/10
Deputy Attorney General Date

401662

STATE OF NEVADA
CARSON CITY

On this 26 day of May, 2010, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, Kent L. Cooper personally known (or proved) to me to be the Assistant Engineer Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

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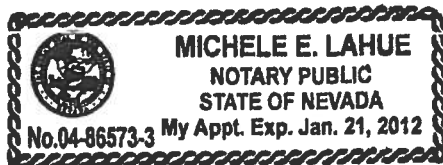
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A handwritten signature of Claudia Castillo in black ink, written over a horizontal line.

STATE OF Nevada
Carson City

On this 19th day of May, 2010, personally appeared before me, the undersigned, a Notary Public in and for the County of Carson City, State of Nevada, Ramona L. Mayle personally known (or proved) to me to be the person whose name is subscribed to the above instrument and who acknowledged to me that She executed the same freely and voluntarily and for the uses and purposes thereby mentioned.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A handwritten signature of Michele E. Lahue in black ink, written over a horizontal line.

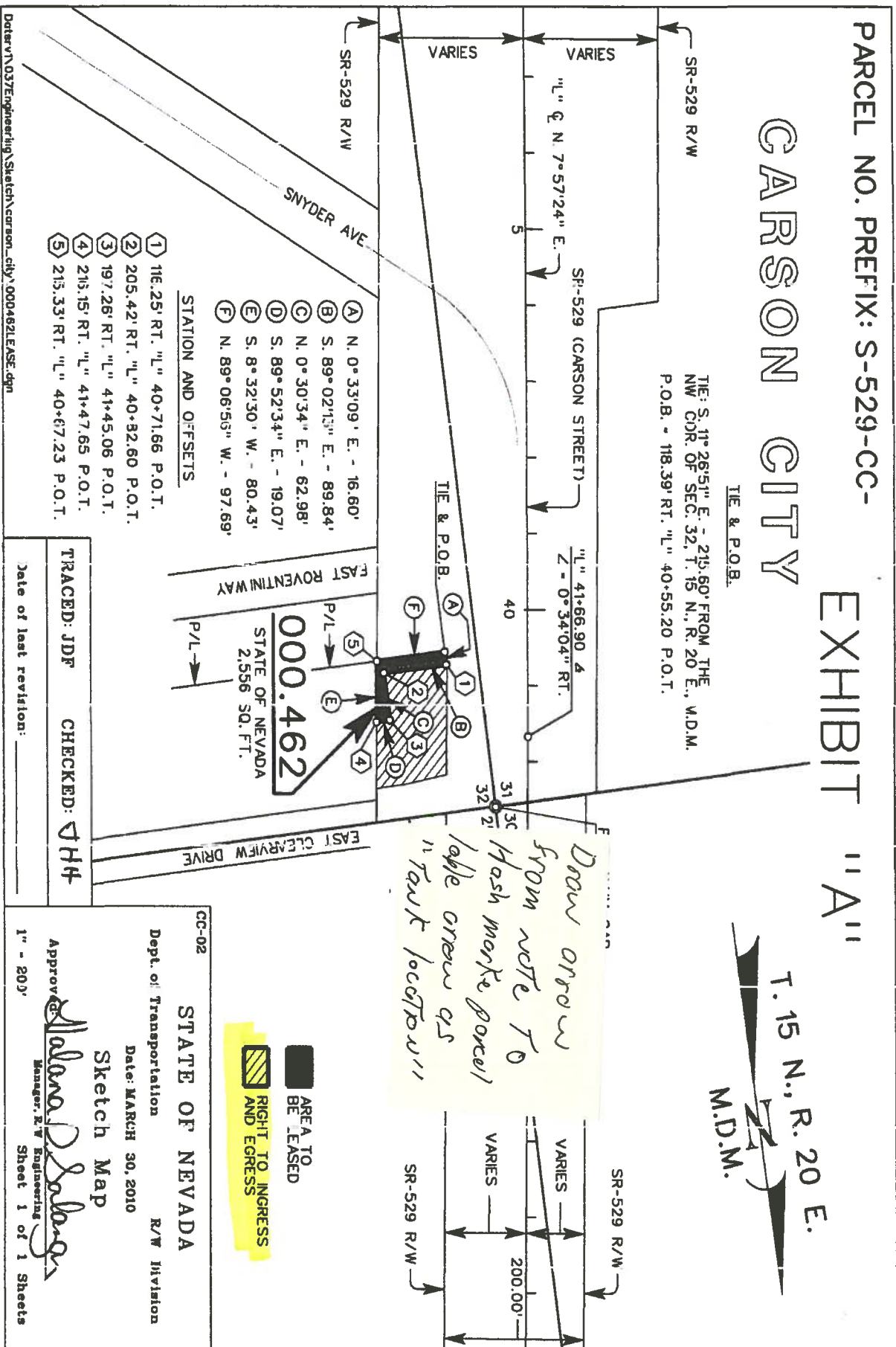
EXHIBIT "A"

CARSON CITY

THE & P.O.B.

THE S. 11° 26' 51" E. - 215.60' FROM THE
NW COR. OF SEC. 32, T. 15 N., R. 20 E., W.D.M.
P.O.B. - 118.39' RT. "L" 40+55.20 P.O.T.

T. 15 N., R. 20 E.
M.D.M.



401662

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Ptn. of APN: 009-161-14
Control Section: CC-02
W.O.: 20201
Parcel: S-529-CC-000.462
Agreement No.: R102-10-030

RECORDED AT THE
REQUEST OF
KDOT
2015 JUN -9 AM 10:09
FILE NO. **454721**
SUSAN HERRWETTER
CARSON CITY RECORDER
FEES 17.00 DEP L

AFTER RECORDING RETURN TO:
NEVADA DEPT. OF TRANSPORTATION
RIGHT-OF-WAY DIVISION, STAFF SPECIALIST, PM
1263 S STEWART ST
CARSON CITY NV 89712

AMENDMENT # 1 TO MULTI-USE LEASE

This Amendment to Multi-Use Lease executed this 10th day of April, 2015,
by and between GREGG STREET PARTNERS, LLC, a Nevada limited liability company,
hereinafter called the LESSEE, and the STATE OF NEVADA, acting by and through its
Department of Transportation, hereinafter called the LESSOR,

WITNESSETH:

WHEREAS, LESSEE and LESSOR heretofore entered into a Multi-Use Lease dated
May 26, 2010, known as Highway Agreement No. R102-10-030; and

WHEREAS, the parties to this Multi-Use Lease desire to correct an error in paragraph 1
(a) to change the end date for the term of such lease from April 30, 2015, to May 31, 2015.

WHEREAS, LESSEE desires to exercise its first of three options to renew said Multi-Use
Lease as allowed under paragraph 1, subparagraph (a) of such Lease. The first option shall be
for a term of five (5) years beginning June 1, 2015, and ending May 31, 2020.

WHEREAS, the parties hereto desire to further amend paragraph 1, subparagraph (a)
and 2, subparagraph (a) of said Multi-Use Lease.

NOW, THEREFORE, it is mutually agreed as follows:

1. Paragraph 1. TERM, subparagraph (a) of the original lease is hereby amended
as follows:

"The term of this lease shall be for a primary term of five (5) years beginning June 1,
2010 and ending May 31, 2015, plus the option to renew for three extended terms of five (5)
years each, the first of such extended terms to begin on the expiration of the initial term and
each successive extended term to begin on the expiration of the term immediately preceding."

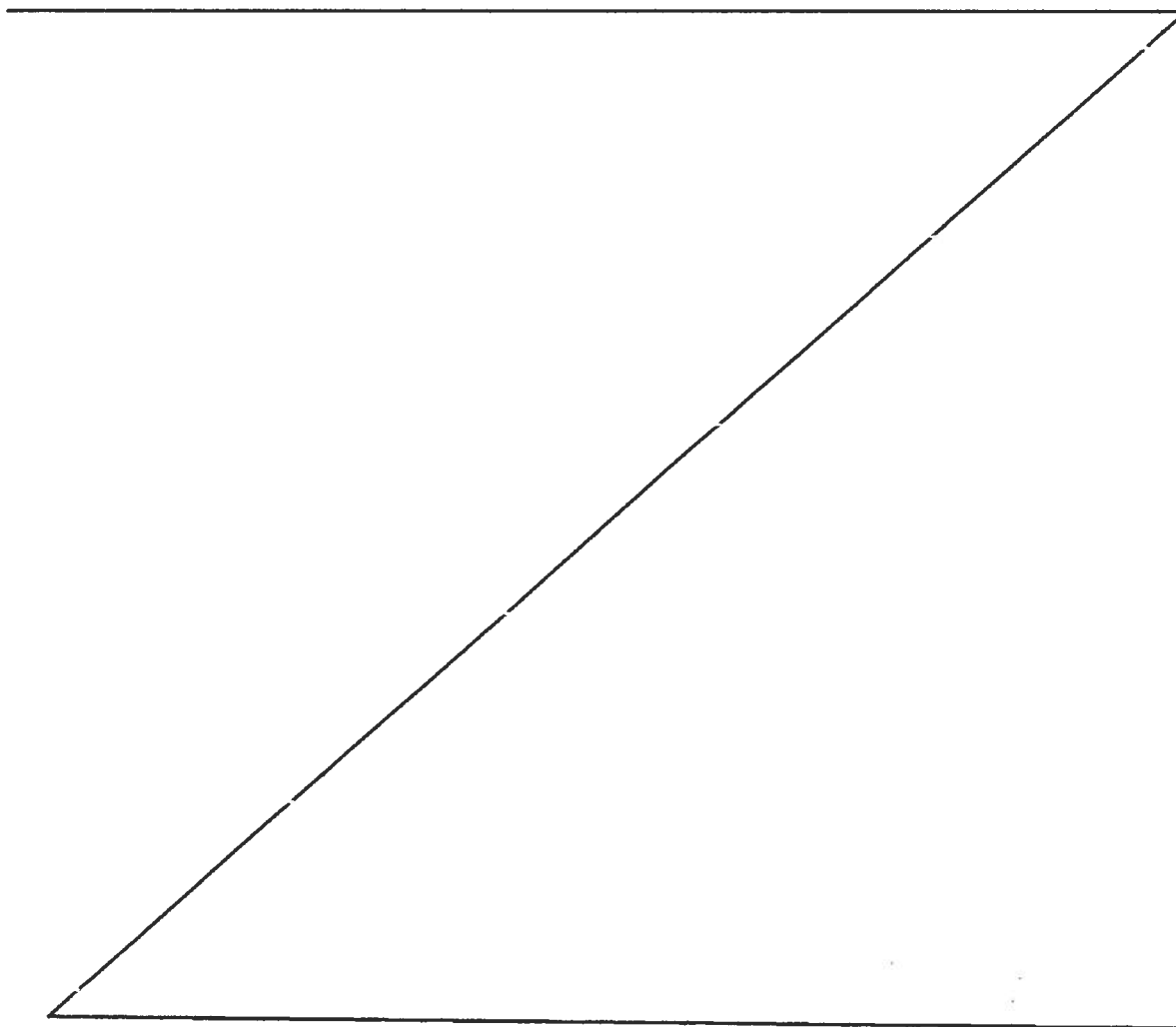
2. Commencing on June 1, 2015, the term of this lease shall be for first extension
term of five (5) years beginning June 1, 2015 and ending May 31, 2020, plus the option to

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renew for two extended terms of five (5) years each, the first of such extended terms to begin on the expiration of the initial term and each successive extended term to begin on the expiration of the term immediately preceding.

3. Paragraph 2 (a) is hereby amended commencing on June 1, 2015, as follows:

"The LESSEE agrees to pay LESSOR as rent for the leased premises the sum of ONE THOUSAND FOUR HUNDRED THIRTEEN AND NO/100 DOLLARS (\$1,413.00) per year payable in advance annually to the LESSOR at 1263 South Stewart Street, Carson City, Nevada 89712, commencing on the 1st day of June, 2015, and thereafter payable on or before the 1st day of June of each year for which due. In the event of termination, any unearned rent paid for the remainder of that period wherein termination occurs shall be returned to LESSEE."



It is understood and agreed by the parties hereto that the terms and conditions of aforesaid Multi-Use Lease dated May 26, 2010 and any amendments thereto not specifically amended herein shall remain in full force and effect as if set forth herein.

IN WITNESS WHEREOF the parties hereto have executed this lease the day and year first above written.

LESSEE:

GREGG STREET PARTNERS, LLC

By: Ramona L. Moyle, Managing Member
Ramona L. Moyle, Managing Member

LESSOR:

STATE OF NEVADA
acting by and through its
DEPARTMENT OF TRANSPORTATION

John M. Terry
Asst. Director

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REVIEWED AND RECOMMENDED BY:

N/A

, District Engineer

Paul A. Saucedo
Paul A. Saucedo,
Chief Right-of-Way Agent

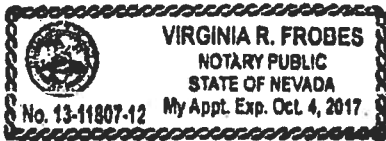
APPROVED AS TO LEGALITY AND FORM:

4-3-2015
Deputy Attorney General

STATE OF NEVADA
CARSON CITY

On this 6th day of April, 2015, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, John M. Terry personally known (or proved) to me to be the Assistant Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

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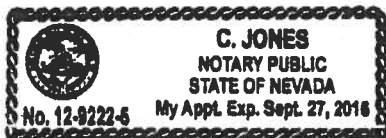
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A handwritten signature in black ink, appearing to read "V. R. Frobes", written over a horizontal line.

STATE OF Nevada
County of Douglas

On this 16 day of March, 2015, personally appeared before me, the undersigned, a Notary Public in and for the County of Douglas, State of Nevada, Kamona Moyle personally known (or proved) to me to be the person whose name is subscribed to the above instrument and who acknowledged to me that She executed the same freely and voluntarily and for the uses and purposes thereby mentioned.

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IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A handwritten signature in black ink, appearing to read "C. Jones", written over a horizontal line.



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

December 1, 2010

RECEIVED

DEC 03 2010

ENVIRONMENTAL PROTECTION

SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

SCOTT J HEATON
716 NORTH CARSON ST STE E
CARSON CITY NV 89702

Notice to Remove Improvements
Multi-Use Lease CC File No. 4012662
Ptn. of APN: 009-161-14
Parcel: S-529-CC-000.462

Dear Mr. Heaton:

Your client, Gregg Street Partners, LLC, entered into a Multi-Use Lease (lease) with the Department of Transportation on May 26, 2010; recorded in Carson City, NV on June 14, 2010 as file number 4012662. This lease provides for parking and traffic movement through the above-mentioned parcel. This lease does not provide for any additional improvements such as your client's Underground Storage Tanks, Facility ID 1-000144 (UST) and associated facilities.

On December 3, 2009 and again on February 11, 2010, the State of Nevada through its Department of Conservation & Natural Resources, Division of Environmental Protection (NDEP), issued Notice of Non-Compliance to Gregg Street Partners, LLC, as the owner of record, stating that the UST were not in compliance with State and Federal regulations and noted several conditions and violations.

On April 28, 2010, due to the requested application of your client, the Department of Transportation issued a temporary permit allowing Gregg Street Partners, LLC access to the above-mentioned parcel so as to perform work necessary to bring their UST into compliance with said State and Federal regulations. The permit was issued and on July 14, 2010, NDEP issued a letter stating that your client's UST facilities are now in compliance. As a condition of compliance, the NDEP requires that Gregg Street Partners, LLC continue to provide annual documentation as evidence that the UST's cathodic protection device has been monitored every 60-days.

Due to the numerous responsible actions performed by Gregg Street Partners, LLC, as OWNER of the UST's, and its actions to bring said UST's into compliance as requested by NDEP, the Department of Transportation has concluded that Gregg Street Partners, LLC is the legal owners of the UST's and associated appurtenances, including the tank monitoring devices located within the Woody's Convenience Store.

The above-mentioned lease does not provide for the presence of Gregg Street Partners, LLC's UST and appurtenant improvements. As such, it shall be the sole responsibility of Gregg Street Partners, LLC to remove the UST and improvements from Parcel S-529-CC-000.462. Additionally, Gregg Street Partners, LLC, must address and mitigate any environmental contamination as well as provide any remediation action as required by NDEP

Therefore, please consider this your official notification to your client, Gregg Street Partners, LLC, to remove its UST and associated appurtenances, registered as Facility ID 1-000144, from Parcel S-529-CC-000.462. Gregg Street Partners, LLC shall take steps necessary to remove and remediate any environmental contamination which may be present in the surrounding soils. This

Page 1 of 2

Doc # 5

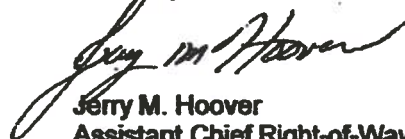
SCOTT J HEATON
December 1, 2010

site clean-up and remediation will be monitored, tested and cleared by the NDEP. Removal of your facilities shall be completed prior to June 1, 2011.

Additionally, Gregg Street Partners, LLC has approached the Department requesting the purchase of Parcel S-529-CC-000.462. The Department may approve the sale on the condition that the tanks are removed and the site cleaned prior to the sale. The Department received two letters from you issued on behalf of your client addressed to Mr. Norman Allen, Deputy Attorney General dated December 8, 2009 and January 12, 2010. These letters outlined a proposal by which your client would remove the UST, clean and remediate the site on the condition that costs incurred by your client, as a result of these activities, would be off-set as a credit against the parcel's purchase price with the Department receiving no less than \$10,000. For numerous reasons, this option is not acceptable to the Department and will not receive further consideration. The removal of Gregg Street Partners, LLC's UST facility and the clean-up will not be co-mingled with the purchase of this parcel. The UST removal and the parcel purchase are separate and individual items and will remain as such.

Please do not hesitate to contact me should you have any questions, require any additional information or wish to discuss this issue. I can be contacted at the above-address, by telephone at (775) 888-7238 or by e-mail at jhoover@dot.state.nv.us or Mr. Ray Luciani at (775) 888-7928 or e-mail at rluciani@dot.state.nv.us.

Sincerely,



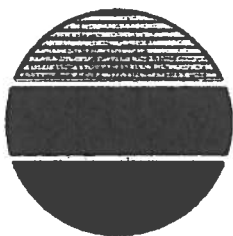
Jerry M. Hoover
Assistant Chief Right-of-Way Agent

jmh/tz

By Certified RRR #7004 0750 0000 1247 4304

cc: P. A. Saucedo, Chief Right-of-Way Agent
M. Orci, Staff Specialist, Property Management
N. Allen, Deputy Attorney General

Mr. Art Marr III, P.E.
UST Program
Bureau of Corrective Action
Department of Conservation & Natural Resources
Division of Environmental Protection
901 S. Stewart St., Suite 4001
Carson City, NV 89701



ENGINEERING • PLANNING • RESOURCE MANAGEMENT
RESOURCE CONCEPTS, INC.

340N. MINNESOTA ST. • CARSON CITY, NEVADA 89703-4152 • OFFICE: 702-883-1600 • FAX: 702-883-1656

July 31, 1995

Mr. Kevin E. Sullivan, EMS III
UST/LUST Branch
Nevada Division of Environmental Protection
123 West Nye Lane
Carson City, Nevada 89710

SUBJECT: Request for Extension for Corrective Action
Woody's Convenience Store
4385 South Carson Street
Carson City, Nevada 89701
Facility I.D. No. 2-000056
Petroleum Fund Case ID No. 95-077

*concurred
KS*

RECEIVED
ENVIRONMENTAL
PROTECTION
95 AUG - 1 AM 10:34

Dear Mr. Sullivan:

This letter serves to confirm our conversation last week regarding the possible use of an alternative technology for soil remediation at Woody's Convenience Store. As discussed, Resource Concepts, Inc. (RCI), is currently involved with the introduction of Geo-Cleanse, a new treatment method which is designed to remediate petroleum contaminated soils and groundwater in a matter of days, instead of weeks, months or years. If our preliminary investigation into the applicability of this process to the Woody's UST site indicates that it will remediate the diesel contamination beneath the island in a more cost effective manner, we would like the opportunity to amend our Not-to-Exceed Proposal for Corrective Action to reflect the use of Geo-Cleanse in place of Bioremediation. We anticipate that we will fully understand the Geo-Cleanse process and its applicability to the Woody's Convenience Store site by the end of October of this year. Until that time, we will put all activities towards Corrective Action on hold.

Thank you for considering our request. Please advise if my understanding of this extension is in error, or if you feel that further discussion on this matter is required.

Sincerely,

Robin Anne Eppard

Robin Anne Eppard
Certified Environmental Manager (#1427)

cc: John Romano

Doc # 7

6.0 TANK REPAIR/INSPECTION/RELINE

Mr. Romano and Mr. Gomez have agreed to jointly participate in the in-place repair, inspection and reline of each of the three USTs at Woody's Convenience Store. The goal of these activities is three-fold:

- ▶ Correct the leak in Tank #001;
- ▶ Prevent the leak rate in tank #003 from increasing; and
- ▶ Upgrade each of the tanks to 1998 standards.

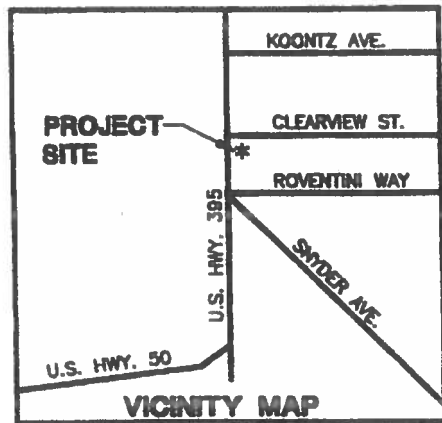
The following briefly describes the repair/inspection/reline process that will be used on each of the tanks at Woody's Convenience Store.

- ▶ Excavate to expose top of tank at entry point;
- ▶ Cut hole in top of tank for entry into tank;
- ▶ Enter tank to remove residual product and sludge;
- ▶ Sandblast interior of tank;
- ▶ Inspect interior of tank to determine feasibility of repair/reline;
- ▶ Repair areas of corrosion with fiberglass/epoxy, assuming the tank passes inspection;
- ▶ Coat interior of the tank with fiberglass/epoxy;
- ▶ Seal the top of the tank shut with epoxy; and
- ▶ Restore site for normal business operation.

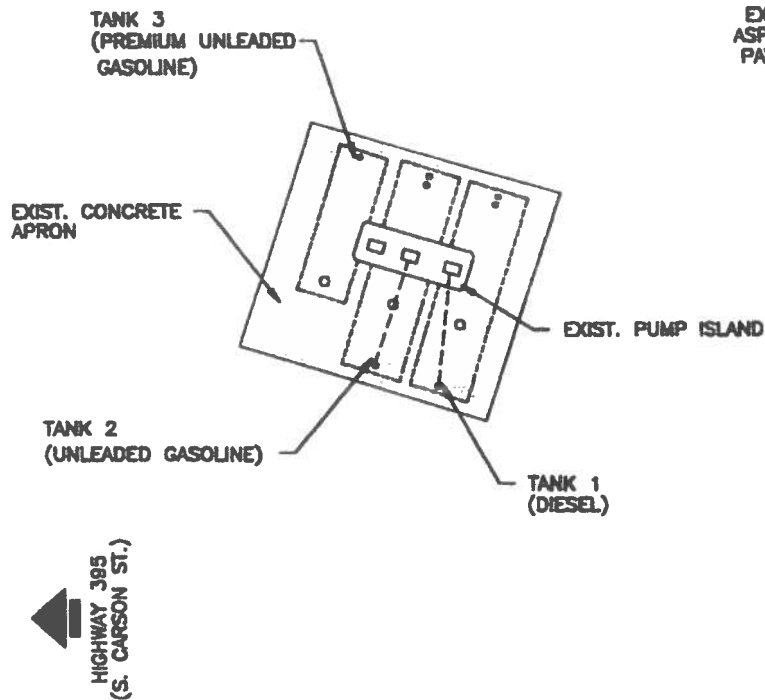
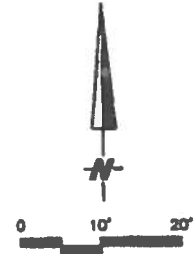
Sludge from each of the USTs will be disposed of at an approved facility through ERICKSON, Inc., Reno, Nevada. It is estimated that the time required for completion of the repair/inspection/reline of each of the three USTs at Woody's Convenience Store will be 14 days, at a total cost of approximately \$40,000.00. This approach has obvious advantages over tank replacement, such as significantly reduced down time to operators, and upgrade of three tanks for less than the cost to replace one 10,000 gallon tank.

Page 27

FIGURE 1. Vicinity and Site Map of Project Area
4385 South Carson Street, Carson City, Nevada 89701
Township 15 North, Range 20 East, NW¼, NW¼ Section 32



↑
CLEARVIEW STREET



**EXIST.
 ASPHALT
 PAVING**

ONE
 MOUNTAIN
 SPORTS

CAPITOL TV
 VCR AND
 COMPUTER
 SERVICES

**WOODY'S
 CONVENIENCE
 STORE
 4385
 S. CARSON ST.**

EL CHARRO
 AVITA
 RESTAURANT

↓
E. ROVENTINI WAY

UNDERGROUND STORAGE TANK:

Preliminary Site Assessment

Detailed Soil and Water Investigation

Corrective Action Plan - Design and Installation

March 1995

Woody's Convenience Store

4385 South Carson Street

Carson City, Nevada 89701

Federal Facility ID. No. 2-000056

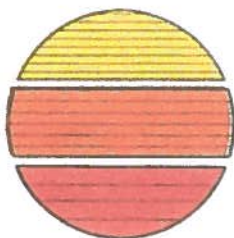
Petroleum Fund Case No. 95-077

→ same as 1-000144

PREPARED FOR:

John Romano
3175 Temple Court
Santa Clara, California 95051

PREPARED BY:



ENGINEERING • PLANNING • RESOURCE MANAGEMENT

RESOURCE CONCEPTS, INC.

340 N. MINNESOTA ST. • CARSON CITY, NEVADA 89703-4152 • OFFICE 702-883-1600 • FAX 702-883-1656



ENGINEERING • PLANNING • RESOURCE MANAGEMENT
RESOURCE CONCEPTS, INC.

340 N. MINNESOTA ST. • CARSON CITY, NEVADA 89703-4152 • OFFICE: 702-883-1600 • FAX: 702-883-1656

September 3, 1996

RECEIVED
SEP 05 1996
ENVIRONMENTAL PROTECTION

Mr. Kevin E. Sullivan
UST/LUST Branch
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, Nevada 89710

SUBJECT: *Results of Additional Site Characterization, Woody's Convenience Store
Facility ID No. 2-000056
Petroleum Fund Case No. 95-077*

Dear Mr. Sullivan:

Exploratory drilling as described in the March 29, 1996 Not-to-Exceed Proposal (NTEP) for Additional Site Characterization was carried out at Woody's Convenience Store (4385 South Carson Street, Carson City, Nevada) under the direction of Resource Concepts, Inc. (RCI). The location of the borehole was approximately 25 feet west of the service island, and lay just within the Lupin Drive Right-of-Way for the Nevada Department of Transportation (Occupancy Permit attached). The purpose of this work was to provide soil data that would substantiate RCI's February 26, 1996 request for consideration that the contaminated soils at Woody's Convenience Store do not pose a threat to human health or the environment. Concurrence with the March 29, 1996 NTEP for Additional Site Characterization was received from your office on April 29, 1996 and work commenced immediately.

The exploratory borehole was constructed on August 23, 1996 to a total depth of 55 feet (Figure 1). Using a split spoon sampler, discrete soil samples at depths of 25, 35, 45 and 55 feet were collected into clean glass jars and immediately placed on ice. Samples were then transferred under Chain of Custody to Nevada Environmental Laboratory for total petroleum hydrocarbon (TPH) analysis using EPA Test Method 8015, modified (Table 1).

Doc #8

Table 1
Summary of analytical data from Additional Site Characterization,
conducted on August 23, 1996.

SAMPLE ID	SAMPLE COLLECTION LOCATION	CONTAMINATION CONCENTRATION (mg/Kg)	CONTMINATION TYPE (i.e. gasoline, diesel, motor oil)
WCS.EB1(25)	Exploratory borehole 1, at depth of 25 feet	ND	not applicable
WCS.EB1(35)	Exploratory borehole 1, at depth of 35 feet	ND	not applicable
WCS.EB1(45)	Exploratory borehole 1, at depth of 45 feet	ND	not applicable
WCS.EB1(55)	Exploratory borehole 1, at depth of 55 feet	ND	not applicable

The analytical data (attached) suggests that contamination from the service island area does not extend towards the west, and supports RCI's initial site description (February 26, 1996).

At this time, we respectfully request your concurrence with RCI's February 26, 1996 suggestion that contamination beneath the underground storage tank area at Woody's Convenience Store (4385 South Carson Street, Carson City, Nevada) does not pose a significant risk to human health and the environment, and that no further corrective action is warranted at this time.

LCB File No. R016-96

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local regulations and ordinances.

Clean-up of underground storage tank discharge

Robin Anne Eppard

Robin Anne Eppard
Certified Environmental Manager (#1427)
Expires March 8, 1997

RAE:stt

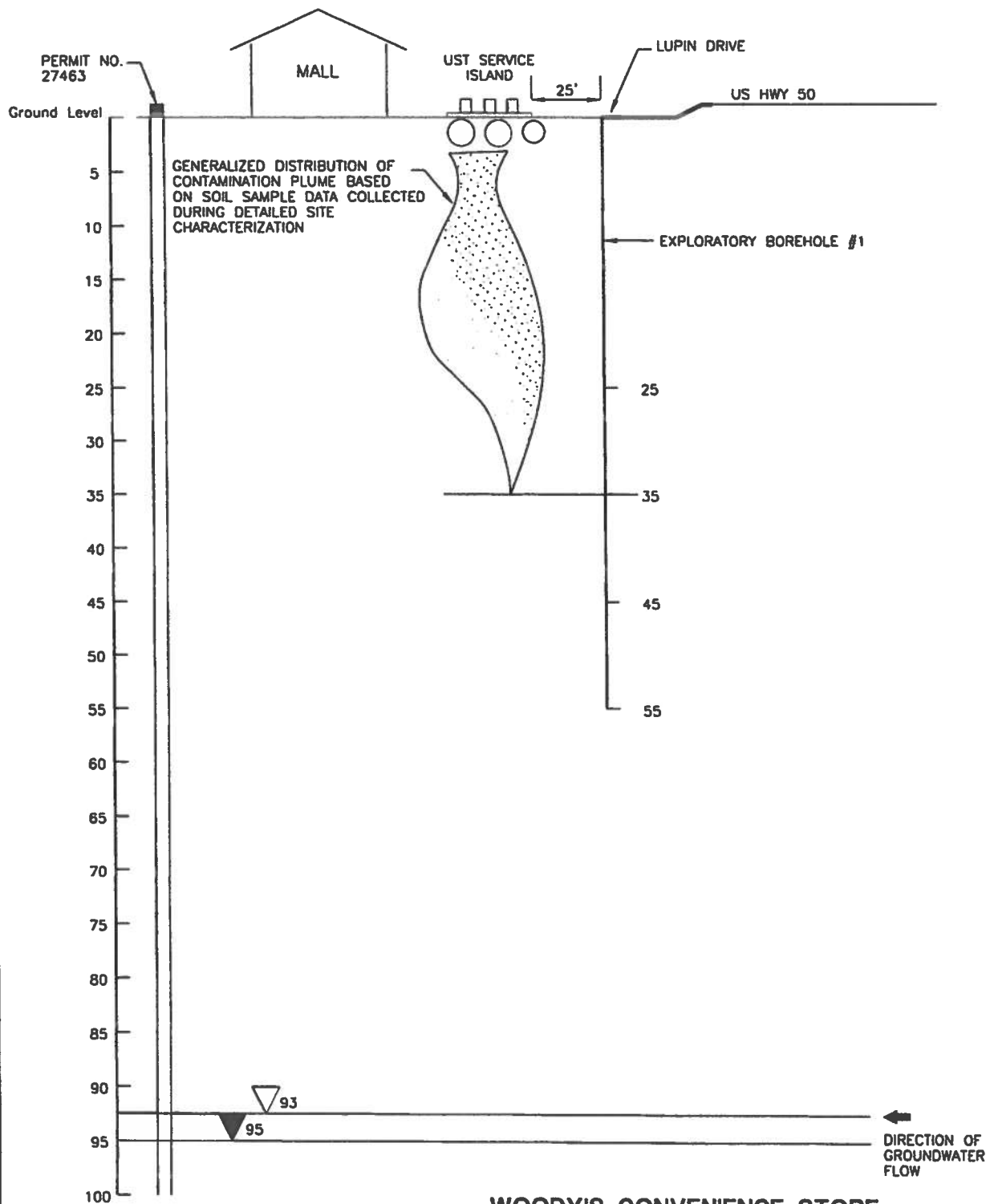
cc: John Romano

Attachments

Figure 1. Location Description of Exploratory Borehole #1
NDOT Right-of-Way Occupancy Permit
Chain of Custody and Analytical Data

RESOURCE CONCEPTS, INC.

FIGURE 1
LOCATION DESCRIPTION OF EXPLORATORY BOREHOLE #1



WOODY'S CONVENIENCE STORE
4385 SO. CARSON ST.
CARSON CITY, NEVADA

RESOURCE CONCEPTS INC.

95 MAY -3 AM 9:16

FEDERAL DISTRICT OFFICE

Fee: \$50.00

Permit No.:

SR529-CC-0.88

District No.: 195-96

Applicant: John Romano

JUL 2 4 1996

Type of Work: Bore Hole

RESOURCE CONCEPTS

FOR DEPARTMENT USE ONLY

APPLICATION AND PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423 and 408.210)

1. Location where excavation, construction, installation and/or occupancy is proposed

US 395 - Prontage Road

Local name of highway

4385 South Carson St., Carson City, NV

Street address or nearest cross street

between Milepost and Milepost

2. Describe in detail the type and scope of work; capacity or size of facility; stages and time frame for development; scheduled dates for start and completion. Attach 4 sets of detailed plans or drawings.

Construction of one exploratory borehole adjacent to fuel farm at Woody's Convenience Store, Carson City, Nevada. Discrete soil samples will be

collected at incremental depths not exceeding 55 feet below ground level. Borehole will be closed by backfilling with clean cuttings, compacted, (95%) and asphalt patched.

For additional site information, please refer to attached letter and figures.

3. PERMITTEE hereby acknowledges that he has read and received a copy of the Terms and Conditions Relating to Right-of-Way Occupancy Permits issued by the State of Nevada Department of Transportation, and accepts said terms and conditions and any additional terms and conditions stated in this permit.

4. SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.

John Romano

Name of PERMITTEE

3175 Temple Court

Address

Santa Clara, CA 95051

City, State, Zip

(408) 244-4861

Telephone No.

Signature of PERMITTEE or Authorized Agent

Responsible Party (408) 244-4861

Title

Telephone No.

Date of Application

APR 9-161-11 (Woody's Convenience Store)

Permittee's I.D. No. or Parcel No.

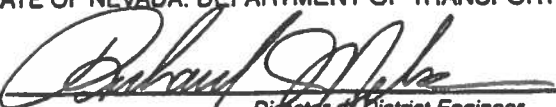
ADDITIONAL TERMS AND CONDITIONS

1. All work within N.D.O.T.'s right-of-way shall be in compliance with the Americans with Disabilities Act (ADA).
2. All traffic control shall conform to the "Manual on Uniform Traffic Control Devices" and the 1995 Nevada Standard Plans.
3. Construction of one exploratory borehole at "01" 46+00 (CC 0.88) rt., not to exceed 55' below ground level.

This Right-of-Way Occupancy permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 NRS, and subject to the terms and conditions stipulated to perform the work described.

Dated this 25th day of June, 1996

STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION

By 
Director of District Engineer

**NEVADA ENVIRONMENTAL
LABORATORY**

Reno Division
1030 Matley Lane • Reno, Nevada 89502
(702) 348-2522 • Fax: (702) 348-2546
1-800-368-5221

CLIENT: Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703

PROJECT NAME: Romano

NEL ORDER ID: R9608063

Attached are the analytical results for samples in support of the above referenced project.

Samples submitted for this project were not sampled by Nevada Environmental Laboratory (NEL). Samples were received by NEL in good condition, under chain of custody on 8/23/96 and analyzed as received.

Where applicable we have included the following quality control data:

Method blank - used to document contamination resulting from the analytical process
Laboratory Control Spike (LCS) - used to demonstrate laboratory ability to perform the method within specifications by spiking representative analytes into a clean matrix.
Surrogates - compounds added to each sample to ensure that the method requirements are met for each individual sample.

Should you have any questions or comments, please feel free to contact our Client Services department at (702) 348-2522.

Eileen M. Ferguson
Laboratory Manager

Date

CERTIFICATIONS:

	<u>Reno</u>	<u>Las Vegas</u>
Arizona	AZ0520	AZ0518
California	1707	2002
US Army Corps of Engineers		

	<u>Reno</u>	<u>Las Vegas</u>
Idaho	Certified	Certified
Nevada	NV033	NV052
Montana	Certified	

**NEVADA ENVIRONMENTAL
LABORATORY**

Reno Division
1030 Matley Lane • Reno, Nevada 89502
(702) 348-2522 • Fax: (702) 348-2546
1-800-368-5221

CLIENT: Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703

PROJECT NAME: Romano

NEL ORDER ID: R9608076

Attached are the analytical results for samples in support of the above referenced project.

Samples submitted for this project were not sampled by Nevada Environmental Laboratory (NEL). Samples were received by NEL in good condition, under chain of custody on 8/27/96 and analyzed as received.

Where applicable we have included the following quality control data:

- Method blank - used to document contamination resulting from the analytical process
- Laboratory Control Spike (LCS) - used to demonstrate laboratory ability to perform the method within specifications by spiking representative analytes into a clean matrix.
- Surrogates - compounds added to each sample to ensure that the method requirements are met for each individual sample.

Should you have any questions or comments, please feel free to contact our Client Services department at (702) 348-2522.

Eileen M. Ferguson
Laboratory Manager

Date

CERTIFICATIONS:

	<u>Reno</u>	<u>Las Vegas</u>
Arizona	AZ0520	AZ0518
California	1707	2002
US Army Corps of Engineers		

	<u>Reno</u>	<u>Las Vegas</u>
Idaho	Certified	Certified
Nevada	NV033	NV052
Montana	Certified	

CHAIN OF CUSTODY

Relinquished by (Print)	(Signature)	Date/Time	Received by (Print)	(Signature)	Date/Time
1 Richard Gentry	Richard Gentry	27 Aug. 96 / 1300 '96	101		/
2					
3					
4					
5					

NEVADA ENVIRONMENTAL LABORATORY

CLIENT: Resource Concepts, Inc.
PROJECT: Romano

TEST: Total Extractable Petroleum Hydrocarbons by EPA Method 8015M, July 1992
METHOD: EPA 8015M
ORDER ID: R9608063

MATRIX: Soil

ANALYST: EF

CLIENT SAMPLE ID	SAMPLE DATE	NEL SAMPLE ID	RESULT mg/kg	REPORTING LIMIT	EXTRACTED	ANALYZED
WCS.EB1 (25)	8/23/96	R9608063-01	ND	15. mg/kg	8/29/96	8/29/96
WCS.EB1 (35)	8/23/96	R9608063-02	ND	15. mg/kg	8/29/96	8/29/96
WCS.EB1 (45)	8/23/96	R9608063-03	ND	15. mg/kg	8/29/96	8/29/96

QUALITY CONTROL DATA (Total for Diesel Range):

<u>Sample ID</u>	<u>Result</u>	<u>Acceptable Range</u>
Method Blank, 082996-E1 -BLK	ND	< 15. mg/kg
LCS, 082996-E1 - LCS	92 %	64 - 106

ND - Not Detected

This report shall not be reproduced except in full, without the written approval of the laboratory.

NEVADA ENVIRONMENTAL LABORATORY

CLIENT: Resource Concepts, Inc.
PROJECT: Romano

TEST: Total Extractable Petroleum Hydrocarbons by EPA Method 8015M, July 1992
METHOD: EPA 8015M
ORDER ID: R9608076

MATRIX: Soil

ANALYST: EF

<u>CLIENT</u> <u>SAMPLE ID</u>	<u>SAMPLE NEL</u> <u>DATE</u>	<u>SAMPLE</u> <u>ID</u>	<u>RESULT</u> <u>mg/kg</u>	<u>REPORTING</u> <u>LIMIT</u>	<u>EXTRACTED</u>	<u>ANALYZED</u>
WCS.EB1 (55)	8/23/96	R9608076-01	ND	15. mg/kg	8/29/96	8/29/96

QUALITY CONTROL DATA (Total for Diesel Range):

<u>Sample ID</u>	<u>Result</u>	<u>Acceptable Range</u>
Method Blank, 082996-E1 -BLK	ND	< 15. mg/kg
LCS, 082996-E1 - LCS	92 %	64 - 106

ND - Not Detected

This report shall not be reproduced except in full, without the written approval of the laboratory.

Facility ID No. **A300144**

ORGFACID: 20622

State of Nevada
Division of Environmental Protection
**STATE OF NEVADA PETROLEUM FUND
CERTIFICATE OF ENROLLMENT**

Gregg Street Partners LLC
PO BOX 21295
CARSON CITY, NV 89721-1295

This certifies that WOODYS CONVENIENCE STORE has been duly enrolled in the State of Nevada Petroleum Fund and that the annual tank enrollment fees have been remitted. Enrollment allows the owner to apply for coverage when a release is discovered.

Facility Address:
WOODYS CONVENIENCE STORE
4385 S CARSON ST
CARSON CITY, NV 89701

This certificate is effective 10/01/15 and expires 09/30/16 and may be used to demonstrate financial responsibility in accordance with NAC 459.995.

The Nevada Petroleum Fund is a U.S. E.P.A. approved program. The Fund assures up to \$1,000,000 per tank system for corrective action and \$1,000,000 for compensation of third parties, less any applicable co-payment. The Fund contains approximately \$7,500,000. IN THE EVENT A DISCHARGE IS DISCOVERED, CONTACT THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION IMMEDIATELY AT (888) 331-6337. Failure to meet Federal and State release reporting requirements may result in reduction or denial of Petroleum Fund coverage.

The following tank(s) at this facility have been duly enrolled:

Tank	Enroll Date	Alt (#)	Status	Capacity (gal)	Description	Substance
1	10/01/15	001	Temporarily Closed	10000	Asphalt Coated or Bare Steel,Lined Interior	Diesel
2	10/01/15	002	Temporarily Closed	10000	Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)
3	10/01/15	003	Temporarily Closed	4000	Asphalt Coated or Bare Steel,Lined Interior	Gasoline (15 ethanol or less)

Doc # 6

Document #9



00916118

00916119

00916123

00916122

00916115

00916120

00916110

00916108

GREGG STREET PARTNERS LLC

APN: 00916115

Physical Address: 4385 S CARSON ST

[Detail Report](#)

[Parcel Report](#)

[Zoom to](#)

Clear

POWERED BY



**STATE OF NEVADA
COMMISSION ON ETHICS**

704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279
<http://ethics.nv.gov>

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Brad Bonkowski, Supervisor, Ward 2,
Board of Supervisors, Carson City,
State of Nevada,

Request for Opinion No. **16-78C**
Confidential

Subject. /

NOTICE TO SUBJECT OF REQUEST FOR OPINION
Pursuant to NRS 281A.440(2) and NAC 281A.410

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics ("Commission") received a Third-Party Request for Opinion ("RFO") on November 7, 2016, alleging that have engaged in conduct contrary to certain provisions of Nevada Revised Statutes ("NRS") Chapter 281A, the Nevada Ethics in Government Law. Pursuant to NAC 281A.405, the Commission's Executive Director and Commission Counsel have determined that the RFO was properly filed on the appropriate form with sufficient evidence¹ and that the Commission, based on the facts and circumstances presented in the RFO, has jurisdiction to investigate certain allegations² in the RFO which implicate the following statutes:

- NRS 281A.020(1)** Failing to honor commitment to avoid conflicts; appropriately separating personal and public roles.
- NRS 281A.400(2)** Using position to secure or grant unwarranted privileges, preferences, exemptions or advantages for self, any business entity in which there is a significant pecuniary interest, or any person to whom there is a commitment in a private capacity to the interests of that person.
- NRS 281A.400(3)** Participating as government agent in negotiating or executing a contract between the government and a business entity in which Subject has a significant pecuniary interest.
- NRS 281A.420(1)** Failing to sufficiently disclose a conflict of interest for which disclosure is required.
- NRS 281A.420(3)** Acting on a matter in which abstention was required.
- NRS 281A.430** Engaging in contracts in which Subject has an interest.

¹ Under NRS 281A.280 and 281A.440 and NAC 281A.400, the Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of NRS Chapter 281A by a public officer or employee if the allegations are filed on the appropriate form with sufficient evidence to support the allegations, which includes "any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects and other such forms of proof."

² The Executive Director and Commission Counsel determined that the RFO lacks sufficient evidence for the Commission to accept jurisdiction and investigate allegations in the RFO concerning NRS 281A.400(6), (7) and (9) because no evidence was provided to support that Subject improperly suppressed a governmental report, used government time or property or influenced a subordinate.

Pursuant to NRS 281A.440, you may respond³ to this RFO in writing to the Executive Director, Yvonne M. Nevarez-Goodson, Esq., at the Nevada Commission on Ethics at 704 W. Nye Lane, Suite 204, Carson City, NV 89704. The Executive Director will present your response as well as a recommendation to an investigatory panel regarding whether the investigation yields just and sufficient cause for the Commission to hold a hearing and render an opinion in the matter. Any response to the RFO must be submitted on or before:

Tuesday, December 13, 2016.

A copy of the RFO is attached. Please see NRS Chapter 281A and NAC Chapter 281A (as amended by the Nevada Legislature's Temporary Regulation No. T003-16) for State law and regulatory provisions applicable to administrative matters before the Commission available on the Commission's website at ethics.nv.gov or the Nevada Legislature's Law Library.

You are entitled to be represented by an attorney of your selection and you may be entitled to representation by the attorney advising the public department or body you served. Please notify the Commission if you will be represented by counsel.

Except as otherwise provided in NRS 281A.440, the Commission and Commission staff will hold its activities in response to this RFO (and even the fact that it received the RFO) confidential until an Investigatory Panel determines whether just and sufficient cause exists for the Commission to hold a hearing and render an opinion. However, the Commission has no authority to require the Requester to do so. As a result, information may appear in the media. Rest assured that the Commission will not be the source of any public information until the Investigatory Panel has completed its review and has rendered its determination. You will be provided notice of the Panel Determination.

If you have any questions regarding this notice, please contact me at (775) 687-5469 or ynevarez@ethics.nv.gov.

Dated this 10th day of November, 2016.

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Executive Director

³ The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel. NRS 281A.440(3)

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the **Notice to Subject of RFO No. 16-78C** addressed as follows:

Brad Bonkowski
Supervisor, Ward 2
City Hall
201 Carson Street, Suite 2
Carson City, NV 89701

Cert. Mail No.: 9171 9690 0935 0037 6423 62

Dated: 11/10/16



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Brad Bonkowski, Supervisor, Ward 2,
Board of Supervisors, Carson City,
State of Nevada,

Request for Opinion No. **16-78C**

Subject. /

PANEL DETERMINATION NRS 281A.440(5); NAC 281A.440

The Nevada Commission on Ethics ("Commission") received Third-Party Request for Opinion ("RFO") No. 16-78C regarding the conduct of Carson City Supervisor Brad Bonkowski ("Subject") associated with the performance of his public duties relating to his private pecuniary or other private interests in certain Carson City commercial properties held by his company, Gregg Street Partners, LLC, which conduct is alleged to be in violation of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The provisions of the Ethics Law allegedly violated are: NRS 281A.020(1) (Duty to avoid conflicts of interest); NRS 281A.400(2) (Improper use of government position to secure unwarranted advantage); NRS 281A.400(3) (Participating in the negotiation of a contract between government and business entities); NRS 281A.420(1) (Failure to disclose a conflict); NRS 281A.420(3) (Failure to abstain as required by statute); and NRS 281A.430 (Bidding on a contract between an agency and business entity for which there is a significant pecuniary interest).

As an elected member of Carson City's Board of Supervisors, Subject is a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers and public employees pursuant to NRS 281A.280.

On April 19, 2017, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Barbara Gruenewald, Esq. and Lynn Stewart reviewed the following: 1) RFO; 2) Subject's Response to the RFO; 6) Investigator's Report to Associate Counsel; and 7) Executive Director's Recommendation to the Investigatory Panel and associated exhibits.

Under NAC 281A.435, the Panel unanimously finds and concludes that there is sufficient credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.020, NRS 281A.400(2) and 281A.420(1) and (3). Therefore, the Investigatory Panel refers these alleged violations to the Commission to hold a hearing and render an opinion. Under NRS 281A.440, a notice of hearing and a procedural order will follow.

However, the Panel unanimously finds and concludes that the facts do not establish credible evidence to substantiate a just and sufficient cause for the Commission to consider the alleged violations pertaining to NRS 281A.400(3) and NRS 281A.430 concerning Subject using his public position to negotiate or seek a contract with a public agency to benefit a pecuniary interest.

Dated: April 25, 2017

By: /s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **PANEL DETERMINATION** regarding **RFO No. 16-78C** via U.S. Postal or electronic mail addressed as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@ethics.nv.gov

Adriana G. Fralick, Esq.
Chief Deputy District Attorney
Carson City District Attorney's Office
885 E. Musser Street, Suite 2030
Carson City, NV 89701
Attorney for Subject

Email: afralick@carson.org

Jerry Vaccaro
P. O. Box 805
Carson City, Nevada 89702

U.S. Postal Mail Service

Dated: April 25, 2017.

Valerie Carter

Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Brad Bonkowski, Supervisor, Ward 2,
Board of Supervisors, Carson City,
State of Nevada,

Request for Opinion No. **16-78C**

Subject. /

AMENDED NOTICE OF HEARING

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Third-Party Request for Opinion No. 16-78C. The meeting location, date and time previously noticed on June 5, 2017, have been amended as follows:

The Hearing Will Take Place:

**Monday, June 19, 2017 at 2:30 p.m., or as soon thereafter as the
Commission is able to hear the matter, at the following location:**

**Nevada Governor's Office of
Economic Development
808 West Nye Lane
Carson City, NV 89703**

If the Proposed Stipulated Agreement is approved, it will serve as the final opinion in this matter. If the Proposed Stipulated Agreement is not approved, the Commission will issue a separate Notice of Hearing setting the date, time and location for a hearing to consider the matter.

DATED: June 8, 2017

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **Notice of Hearing** in Request for Opinion **No. 16-78C**, via U.S. and electronic mail, to the Parties and the Requester, as an interested person, addressed as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@ethics.nv.gov

Adriana G. Fralick, Esq.
Chief Deputy District Attorney
Carson City District
Attorney's Office
885 E. Musser Street, Suite 2030
Carson City, NV 89701
Attorney for Subject

Email: afralick@carson.org

Jerry Vaccaro
P. O. Box 805
Carson City, Nevada 89702

U.S. Postal Mail Service

DATED: June 8, 2017



Employee of the Nevada Commission on Ethics

AGENDA ITEM NO. 5

AGENDA ITEM NO. 5

SB 84

Senate Bill No. 84—Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to ethics in government; revising certain procedures of the Commission on Ethics and the remedial authority of the Commission; designating certain persons as public officers and employees for the purposes of the Nevada Ethics in Government Law; revising the code of ethical standards applicable to public officers and employees; revising provisions governing the disclosure of certain information and the filing of certain disclosure statements by public officers and employees; providing for the execution and filing by a public officer of a single acknowledgment of statutory ethical standards for all public offices held concurrently by the officer; revising provisions relating to the employment of former public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Ethics in Government Law (Ethics Law), the Commission on Ethics is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. (Chapter 281A of NRS) The Commission generally issues the following types of opinions: (1) advisory opinions requested by a public officer or employee who is seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct under the statutory ethical standards; (2) advisory opinions requested by a public officer or employee who is requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief; and (3) opinions issued in response to an ethics complaint which has been filed with the Commission or initiated by the Commission on its own motion regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards. (NRS 281A.410, 281A.430, 281A.440, 281A.550)

The Ethics Law also establishes various procedures that the Commission and its staff must follow when processing, handling, investigating, reviewing, evaluating and adjudicating requests for advisory opinions and ethics complaints. (NRS 281A.440-281A.480) Most of those procedures are contained in a single section of the Nevada Revised Statutes, NRS 281A.440, which embraces numerous and extensive procedural provisions governing: (1) the filing of requests for advisory opinions and ethics complaints; (2) the initial review and evaluation of such requests and complaints; (3) the requirements for responding to such requests and complaints; and (4) the procedures and standards for conducting investigations, making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. Because NRS 281A.440 includes so many extensive procedural provisions, it has become a particularly lengthy and complex statute.

Section 30 of this bill repeals NRS 281A.440, and **sections 1.3-11 and 14** of this bill generally reorganize and reenact the existing provisions of NRS 281A.440,



with certain modifications, to effectuate the orderly and logical arrangement of the statutes, improve readability and clarity and reduce repetitious or lengthy words or phrases. For example, **sections 1.3-2.7** define several terms, including “advisory opinion” and “ethics complaint,” that replace repetitious or lengthy words or phrases throughout the Ethics Law and thereby improve readability and clarity.

Because proceedings concerning advisory opinions are functionally different from proceedings concerning ethics complaints, **sections 3.1-3.5** contain procedures that apply only to advisory opinions. However, these procedures do not differ materially from the existing procedures that apply to advisory opinions in NRS 281A.440.

Sections 3.6-11 contain procedures that apply only to ethics complaints. **Section 3.7** sets forth the requirements for properly filing an ethics complaint, and **section 3.8** provides that after the ethics complaint is properly filed, the Commission must determine, based on the evidence submitted with the ethics complaint, whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. If the Commission determines that it has jurisdiction and an investigation is warranted, **sections 3.9-5** provide for an investigation and review of the ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.

In conducting the investigation and review, **sections 3.9-5** require the Executive Director of the Commission to: (1) provide the public officer or employee an opportunity to submit a response; (2) investigate the facts and circumstances; and (3) prepare and submit a recommendation to a review panel, consisting of three members of the eight-member Commission, that must determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. If the review panel determines that there is not just and sufficient cause, **section 5** requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the public officer or employee as part of the dismissal.

If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, **sections 5 and 6** authorize the review panel to approve a deferral agreement between the Executive Director and the public officer or employee to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the public officer or employee complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the public officer or employee fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Commission.

If the review panel does not believe that a deferral agreement is appropriate or if the public officer or employee declines to enter into such a deferral agreement, **section 5** requires the review panel to refer the ethics complaint to the Commission for further proceedings in the matter. If further proceedings are conducted in the matter, **section 16.6** of this bill provides that the three members of the review panel cannot participate in the proceedings before the remaining five members of the Commission.

Sections 6.5-11 reorganize and reenact the existing provisions of NRS 281A.440 governing the procedures and standards for making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. In addition, **section 8** revises the procedures for protecting the identity of requesters of ethics complaints who ask for confidential status because their complaints are



akin to whistleblower complaints that allege unethical conduct within their own public agencies or because they offer sufficient facts and circumstances showing that they will face a bona fide threat of physical force or violence from filing their complaints. Under **section 8**, if the Executive Director intends to present the testimony of such a confidential requester during the ethics proceedings, the name of the confidential requester must be disclosed but only as a proposed witness and not as the requester of the ethics complaint.

Sections 12, 12.5 and 13 of this bill provide the Commission with additional remedial options in proceedings concerning ethics complaints which allow the Commission to utilize different types of remedies that progress in scope and severity depending upon the scope and severity of the unethical conduct. Currently, the Ethics Law grants the Commission certain remedial options, including civil monetary penalties, if it finds a violation of the statutory ethical standards. The Ethics Law also authorizes the Commission to resolve matters before it by stipulation, agreed settlement, consent order or default. (NRS 233B.121, 281A.135, 281A.480) **Sections 12, 12.5 and 13** expand the remedies available to the Commission to include: (1) a requirement that a public officer or employee complete a period of compliance, receive additional training or issue a public apology; and (2) the issuance of a confidential letter of caution or instruction or a public admonition, reprimand or censure.

The Ethics Law generally defines a person as a public officer if the person holds a position that: (1) involves the exercise of a public power, trust or duty; and (2) is established by the Nevada Constitution or any provision of statute, charter or ordinance. (NRS 281A.160) Certain additional persons are designated as public officers notwithstanding the fact that their positions are not so established. (NRS 281A.182) In addition, the Ethics Law defines a person as a public employee if the person performs public duties under the direction and control of a public officer and is paid compensation with public money. (NRS 281A.150) **Sections 15.7 and 16** of this bill provide that certain additional persons are designated as public officers and employees solely and exclusively for the purposes of the Ethics Law if such persons enter into contracts with public agencies, are paid compensation with public money and serve in certain positions which ordinarily would be held or filled by public officers and employees. **Section 16** also provides that its provisions must be interpreted and applied to ensure that a person does not evade the Ethics Law because a public agency elects to use a contractual relationship instead of an employment relationship for these types of positions which ordinarily would be held or filled by public officers and employees.

Section 18 of this bill provides that the Commission does not have jurisdiction regarding alleged discrimination or harassment for which a complaint or employment-related grievance may be filed with an appropriate agency with jurisdiction to redress such alleged discrimination or harassment. (NRS 281A.280) However, **section 18** also provides that the Commission has jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the Ethics Law, irrespective of the alleged discrimination or harassment.

In performing their functions under the Ethics Law, the Commission and its presiding officers may issue subpoenas to compel the attendance of witnesses and the production of books and papers. (NRS 281A.300) **Section 19** of this bill clarifies that such subpoenas may be issued during the course of any investigation under the Ethics Law to compel the participation of potential witnesses and the production of books and papers.

Section 20 of this bill revises the existing statutory ethical standards which generally prohibit public officers and employees from engaging in certain unethical conduct that benefits their own private interests. (NRS 281A.400) **Section 20**



expands these existing prohibitions so that a public officer or employee cannot engage in certain unethical conduct when it benefits any other person to whom the public officer or employee has a commitment in a private capacity. The Ethics Law defines such other persons to include: (1) the spouse or domestic partner of the public officer or employee, a member of his or her household or a relative within the third degree of consanguinity or affinity; (2) a person who employs the public officer or employee, his or her spouse or domestic partner or a member of his or her household; (3) a person with whom the public officer or employee has a substantial and continuing business relationship; or (4) a person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065)

The Ethics Law permits certain public officers and employees to represent or counsel private persons before certain public agencies in which the public officers or employees do not serve and also requires certain public officers to file annual disclosure statements regarding such representation or counseling with the Commission. (NRS 281A.410) The Ethics Law also requires certain public officers and employees to disclose publicly certain personal or private interests which may create potential conflicts of interests at the time the public officers and employees consider or act upon a matter affecting those interests. (NRS 281A.420) **Section 20.3** of this bill eliminates the requirement for certain public officers to file annual disclosure statements regarding representation or counseling of private persons before public agencies. Instead, **section 20.5** of this bill requires certain public officers and employees to disclose publicly certain information regarding representation or counseling of private persons before public agencies at the time the public officers and employees consider or act upon a matter which is reasonably related to the nature of such representation or counseling.

The Ethics Law requires each elected and appointed public officer to execute and file with the Commission a written acknowledgment of the officer's understanding of the statutory ethical standards applicable to him or her, and the officer's obligation to become familiar with any amendments to those standards. A public officer is required to execute and file the acknowledgment for each office, including each appointive office, held by the officer. (NRS 281A.500) **Section 25** of this bill provides that a public officer who executes and files the acknowledgment for one office as required by law thereby satisfies the execution and filing requirements for any other office held concurrently by him or her.

Under existing law, various public officers and employees are subject to a "cooling-off" period after the termination of their public service or employment, during which they are precluded from soliciting or accepting certain kinds of employment. A similar "cooling-off period" exists for a former public officer's or employee's representation or counseling of a private person on any issue which was under consideration by the agency in which the officer or employee served. The Commission is authorized to grant relief from the application of these provisions in specified circumstances. (NRS 281A.410, 281A.550) **Section 27** of this bill: (1) clarifies that a grant of relief from the application of the cooling-off provisions as they relate to employment does not affect the ban on representation or counseling; and (2) provides that the ban on employment extends to circumstances in which any oral or written agreement for personal services is sought, negotiated or exists during the cooling-off period, even if such an agreement does not or will not become effective until after the cooling-off period.



EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 14, inclusive, of this act.

Sec. 1.3. *“Adjudicatory hearing” means a hearing held by the Commission pursuant to section 6.5 of this act to receive evidence concerning an ethics complaint and render an opinion in the matter.*

Sec. 1.5. *“Advisory opinion” means an advisory opinion rendered by the Commission pursuant to sections 3.1 to 3.5, inclusive, of this act.*

Sec. 2. *“Deferral agreement” means an agreement entered into between the Executive Director and the subject of an ethics complaint pursuant to section 6 of this act.*

Sec. 2.2. *“Ethics complaint” means a request for an opinion which is filed with the Commission or initiated by the Commission on its own motion pursuant to section 3.7 of this act regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards set forth in this chapter.*

Sec. 2.5. *“Request for an advisory opinion” means a request for an advisory opinion which is filed with the Commission pursuant to section 3.2 of this act by a public officer or employee who is:*

1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

Sec. 2.7. *“Review panel” means a review panel appointed pursuant to NRS 281A.220.*

Sec. 3. (Deleted by amendment.)

Sec. 3.1. *The provisions of sections 3.1 to 3.5, inclusive, of this act apply to proceedings concerning a request for an advisory opinion.*

Sec. 3.2. *1. A public officer or employee may file with the Commission a request for an advisory opinion to:*

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a



public officer or employee under the statutory ethical standards set forth in this chapter; or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render an advisory opinion in the matter.

3. The Commission may decline to render an advisory opinion if the public officer or employee does not:

(a) Submit all necessary information for the Commission to render an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter.

Sec. 3.3. *1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render the advisory opinion within 45 days after receiving the request, unless the requester waives this time limit.*

2. If the advisory opinion rendered by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to NRS 233B.130.

3. If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

Sec. 3.4. *1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:*

(a) A request for an advisory opinion;

(b) The advisory opinion rendered by the Commission in response to the request;

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request; and



(d) Any information, communications, records, documents or other materials in the possession of the requester of the advisory opinion that are related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request or the advisory opinion.

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to the request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of the advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The public body, agency or employer of the requester or the legal counsel of the requester;

(2) Any person to whom the Commission authorizes the requester to make such a disclosure; or

(3) Any person to whom the requester makes such a disclosure for the purposes of judicial review pursuant to section 3.3 of this act.

Sec. 3.5. *1. Except as otherwise provided in this section, the provisions of chapter 241 of NRS do not apply to:*

(a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and

(b) Any deliberations or actions of the Commission on such information or evidence.

2. The public officer or employee who files the request for an advisory opinion may also file a request with the Commission to



hold a public meeting or hearing regarding the request for an advisory opinion.

Sec. 3.6. *The provisions of sections 3.6 to 13, inclusive, of this act and NRS 281A.450, 281A.465, 281A.475 and 281A.480 apply to proceedings concerning an ethics complaint.*

Sec. 3.7. *1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:*

(a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed by a person must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted in the matter pursuant to sections 3.8 and 3.9 of this act.

3. The Commission may decline to render an opinion if the person who files the ethics complaint does not submit all necessary evidence in the matter.

Sec. 3.8. *1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to section 3.7 of this act, the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.*

2. If the Commission determines that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

3. If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an investigation in the matter, the



Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

4. If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to section 3.9 of this act.

Sec. 3.9. 1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to section 3.8 of this act or if the Commission initiates an ethics complaint on its own motion pursuant to section 3.7 of this act, the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter in order to present a written recommendation to the review panel pursuant to section 4 of this act.

2. The Executive Director shall provide notice of the investigation pursuant to this section to the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee in the ethics complaint. The response must be submitted within 30 days after the date on which the public officer or employee receives the notice of the investigation pursuant to this section, unless the Executive Director grants an extension.

3. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and section 4 of this act; and

(b) The review panel in performing its review and other functions pursuant to section 5 of this act.

4. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.



Sec. 4. 1. *Except as otherwise provided in this subsection, the Executive Director shall complete the investigation required by section 3.9 of this act and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint or after the Commission initiates the ethics complaint on its own motion, as applicable. The public officer or employee who is the subject of the ethics complaint may waive this time limit.*

2. *The recommendation must:*

(a) *Set forth the factual and legal basis for the recommendation;*

(b) *State whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter; and*

(c) *If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.*

Sec. 5. 1. *Except as otherwise provided in this section, the review panel shall determine whether there is just and sufficient cause for the Commission to render an opinion in the matter within 15 days after the Executive Director provides the review panel with the recommendation required by section 4 of this act. The public officer or employee who is the subject of the ethics complaint may waive this time limit.*

2. *The review panel shall cause a record of its proceedings to be kept.*

3. *The review panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations as required by section 3.9 of this act.*

4. *If the review panel determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.*

5. *If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the*



matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

Sec. 5.5. The provisions of chapter 241 of NRS do not apply to:

1. Any meeting or hearing held by the review panel to receive information or evidence concerning an ethics complaint; and

2. Any deliberations or actions of the review panel on such information or evidence.

Sec. 6. 1. In proceedings concerning an ethics complaint, the Executive Director and the public officer or employee who is the subject of the ethics complaint may develop a deferral agreement to defer further proceedings in the matter under the terms and conditions of the deferral agreement.

2. A deferral agreement does not become effective unless approved by the review panel pursuant to section 5 of this act. If the review panel approves a deferral agreement, the Commission shall enforce the terms and conditions of the deferral agreement.

3. A deferral agreement must:

(a) Specify the training or other corrective action to be completed by or imposed upon the public officer or employee;



(b) Specify any other terms and conditions, consistent with the provisions of this chapter, to be imposed upon the public officer or employee; and

(c) Provide that the Commission may vacate the deferral agreement and conduct further proceedings in the matter if the Commission finds that the public officer or employee has failed to comply with any terms and conditions of the deferral agreement.

4. The imposition of training or other corrective action and the imposition of any other terms and conditions in a deferral agreement is without prejudice to any other disposition of the matter, consistent with this chapter, that may be ordered by the Commission if it vacates the deferral agreement and conducts further proceedings in the matter and finds that the public officer or employee has violated any provision of this chapter.

5. The Executive Director shall monitor the compliance of the public officer or employee who is the subject of a deferral agreement and may require the public officer or employee to document his or her compliance with the deferral agreement.

6. The Executive Director shall:

(a) Inform the Commission of any alleged failure of the public officer or employee to comply with the deferral agreement;

(b) Give the public officer or employee written notice of any alleged failure to comply with the deferral agreement; and

(c) Allow the public officer or employee not less than 15 days to respond to such a notice.

7. Within 60 days after the date on which the public officer or employee responds or was entitled to respond to the written notice of any alleged failure to comply with the deferral agreement, the Commission shall determine whether the public officer or employee failed to comply with the deferral agreement, unless the public officer or employee waives this time limit.

8. If the Commission determines that the public officer or employee failed to comply with the deferral agreement, the Commission may take any action it deems appropriate, consistent with the terms and conditions of the deferral agreement and the provisions of this chapter, including, without limitation, vacating the deferral agreement and conducting further proceedings in the matter.

9. If the public officer or employee who is the subject of the deferral agreement complies in a satisfactory manner with the deferral agreement, the Commission shall dismiss the matter.

Sec. 6.5. 1. *If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to*



section 5 of this act or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to section 6 of this act, the Commission shall hold an adjudicatory hearing and render an opinion in the matter within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. If the Commission holds an adjudicatory hearing to receive evidence concerning an ethics complaint, the Commission shall:

(a) Notify the public officer or employee who is the subject of the ethics complaint of the date, time and place of the hearing;

(b) Allow the public officer or employee to be represented by legal counsel; and

(c) Allow the public officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf.

3. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the notice of the hearing is given to the public officer or employee.

4. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

Sec. 7. (Deleted by amendment.)

Sec. 8. *1. Except as otherwise provided in this section and section 9 of this act, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:*

(a) The review panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter and serves written notice of its determination on the public officer or employee who is the subject of the ethics complaint; or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

↳ whichever occurs first.



2. *Except as otherwise provided in subsection 3, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:*

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint.

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. *If the Commission keeps the identity of the requester confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. If the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to section 9 of this act, the Commission shall disclose the name of the requester only as a proposed witness within a reasonable time before the adjudicatory hearing on the matter.*

Sec. 9. 1. *Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.*

2. *At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter.*

3. *Any portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS.*

4. *For the purposes of this section:*



(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to section 3.9 of this act and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to section 4 of this act and submitted to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

Sec. 10. (Deleted by amendment.)

Sec. 11. *The provisions of chapter 241 of NRS do not apply to:*

1. Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

2. Any deliberations of the Commission on such information or evidence.

Sec. 12. *1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.*

2. If, in proceedings concerning an ethics complaint, the Commission determines that a violation of this chapter:

(a) Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

(b) Has been proven, the Commission may take any action authorized by this chapter.

Sec. 12.5. *1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or*



employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards set forth in this chapter.

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 13. *1. Except as otherwise provided in this section, in proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other penalty provided by law and in accordance with the provisions of NRS 281A.475:*

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:



(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to NRS 281A.475 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 14. *For the purposes of NRS 41.032, the members of the Commission and employees of the Commission shall be deemed to be exercising or performing a discretionary function or duty in taking any action pursuant to the provisions of this chapter.*

Sec. 15. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.035 to 281A.170, inclusive, *and sections 1.3 to 2.7, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 15.5. NRS 281A.135 is hereby amended to read as follows:

281A.135 *1. "Opinion" means an opinion rendered by the Commission in accordance with the provisions of this chapter.*



2. *The term* includes, without limitation, the disposition of ~~the request for an opinion~~ *an ethics complaint* by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

Sec. 15.7. NRS 281A.150 is hereby amended to read as follows:

281A.150 “Public employee” means any person who ~~performs~~

1. *Performs* public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision ~~or~~ *;* *or*

2. *Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.*

Sec. 16. NRS 281A.182 is hereby amended to read as follows:

281A.182 1. Any person who serves in one of the following positions is designated as a public officer *solely and exclusively* for the purposes of this chapter:

(a) A president of a university, state college or community college within the Nevada System of Higher Education.

(b) A superintendent of a county school district.

(c) A county manager or a city manager.

2. ~~[This section applies]~~ *The provisions of subsection 1 apply* to such a person regardless of whether the person serves in the position:

(a) By appointment, contract or employment;

(b) With or without compensation; or

(c) On a temporary, interim or acting basis.

3. *A person who is not otherwise a public officer is designated as a public officer solely and exclusively for the purposes of this chapter if the person:*

(a) *Enters into a contract with any state or local agency;*

(b) *Is paid compensation with public money; and*

(c) *Serves in a position which involves the exercise of a public power, trust or duty and which ordinarily would be held or filled by a public officer.*

4. *A person who is not otherwise a public employee is designated as a public employee solely and exclusively for the purposes of this chapter if:*

(a) *The person enters into a contract with any state or local agency;*

(b) *The person is paid compensation with public money;*

(c) *The person serves in a position which involves the performance of public duties under the substantial and continuing*



direction and control of a public officer or supervisory public employee;

(d) The position ordinarily would be held or filled by a public employee and would require the public employee to hold a valid professional or occupational license or similar type of authorization issued by a state or local agency to perform the public duties of the position, other than a general business license or similar type of authorization;

(e) The position is entrusted with public duties of a substantial and continuing nature which ordinarily would require a public employee to avoid conflicts between the private interests of the public employee and those of the general public whom the public employee serves; and

(f) The person occupies the position on a full-time basis or its equivalent for a substantial and continuing period of time.

5. The provisions of subsections 3 and 4 must be interpreted and applied to ensure that a person does not evade the provisions of this chapter because a state or local agency elects to use a contractual relationship instead of an employment relationship for a position which ordinarily would be held or filled by a public officer or employee.

6. If, pursuant to this section, any person is designated as a public officer or employee for the purposes of this chapter, that designation:

(a) Does not make the person a public officer or employee for the purposes of any other law or for any other purposes; and

(b) Must not be used, interpreted or applied in any manner to establish, suggest or prove that the person is a public officer or employee for the purposes of any other law or for any other purposes.

Sec. 16.5. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chair and Vice Chair from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no *ethics complaints or* requests ~~made for an opinion~~ *for advisory opinions* pursuant to ~~NRS 281A.440,~~ *this chapter*, and at other times upon the call of the Chair.

2. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.



3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 16.6. NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more ~~investigatory~~ *review* panels of ~~two~~ *three* members of the Commission on a rotating basis to *perform the functions assigned to such review* ~~the determinations of just and sufficient cause made by the Executive Director~~ *panels* pursuant to ~~NRS 281A.440 and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.~~ *this chapter.*

2. The Chair and Vice Chair of the Commission may not serve together on ~~an investigatory~~ *a review* panel.

3. ~~The~~ *Not more than two* members of ~~an investigatory~~ *a review* panel may ~~not~~ be members of the same political party.

4. If ~~an investigatory~~ *a review* panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the ~~investigatory~~ *review* panel shall not participate in any further proceedings of the Commission relating to that matter.

Sec. 17. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive *ethics complaints and* requests for *advisory* opinions pursuant to ~~NRS 281A.440.~~ *this chapter.*

(c) Gather information and conduct investigations regarding *ethics complaints and* requests for *advisory* opinions ~~received by the Commission and submit~~ *pursuant to this chapter.*

~~(d) Submit~~ recommendations to the ~~investigatory panel appointed pursuant to NRS 281A.220~~ *review panel* regarding whether there is just and sufficient cause *for the Commission* to render an opinion in ~~response to a particular request.~~ *—(d) a matter.*

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or



necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

~~(e)~~ (f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

~~(f)~~ (g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 18. NRS 281A.280 is hereby amended to read as follows:

281A.280 1. ~~The~~ *Except as otherwise provided in this section, the* Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of this chapter by a public officer or employee or former public officer or employee in any proceeding commenced by ~~the~~

~~—(a) The filing of a request for an opinion—~~ *an ethics complaint, which is filed* with the Commission ~~the~~

~~—(b) The~~ *or initiated by the* Commission on its own motion, ~~the~~ within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. *The Commission does not have jurisdiction regarding alleged conduct by a public officer or employee or former public officer or employee for which:*

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States



Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

↳ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced:

(a) On the date on which ~~{a request for an opinion}~~ *an ethics complaint* is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ~~{proceeding is commenced}~~ *ethics complaint is initiated* by the Commission on its own motion, on the date on which the Commission serves the public officer or employee or former public officer or employee with notice of the ~~{proceeding}~~ *ethics complaint* in accordance with the regulations of the Commission.

Sec. 18.5. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of *an ethics complaint or* a request for an *advisory* opinion with the Commission;

(c) For the withdrawal of *an ethics complaint or* a request for an *advisory* opinion by the person who filed the *ethics complaint or* request; ~~{and}~~

(d) To facilitate the prompt rendition of opinions by the Commission ~~{H}~~; and

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to sections 8 and 9 of this act and the disclosure of evidence in the manner required by those sections, including, without limitation, the



disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

2. Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that explains the requirements of this chapter.

➔ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.

Sec. 19. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of *any* books and papers **H for any hearing before the Commission.**

3. *Upon the request of the Executive Director, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the participation of a potential witness and the production of any books and papers during the course of any investigation.*

4. Upon the request of the Executive Director or the public officer or employee who is the subject of ~~for a request for an opinion,~~ *an ethics complaint,* the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of *any* books and papers **H for any hearing before the Commission.** A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.



~~13.1~~ 5. Before issuing a subpoena to a public officer or employee who is the subject of ~~1a request for an opinion1~~ *an ethics complaint* to compel *his or her participation in any investigation*, his or her attendance as a witness or his or her production of *any* books ~~1or1~~ *and* papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The ~~1appearance1~~ *voluntary participation of the public officer or employee in the investigation;*

(b) *The voluntary attendance* of the public officer or employee as a witness; or

~~1(b)1~~ (c) The *voluntary* production by the public officer or employee of any books and papers relating to the ~~1request for an opinion1~~.

~~4.1~~ *ethics complaint.*

6. Each written request submitted by the Executive Director pursuant to subsection ~~131~~ 5 must specify the time and place for the *voluntary participation of the public officer or employee in the investigation*, attendance of the public officer or employee *as a witness* or ~~1the1~~ production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to *respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or* attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the *written* request, the Chair *or, in the Chair's absence, the Vice Chair*, may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time *limits* set forth in ~~1subsections 4, 5 and 6 of NRS 281A.440.1~~ *NRS 281A.450, 281A.465, 281A.475 and 281A.480 and sections 3.6 to 13, inclusive, of this act that apply to proceedings concerning the ethics complaint.*

8. If any witness *fails or* refuses to *participate*, attend, testify or produce any books and papers as required by the subpoena, the Chair ~~1of the Commission1~~ *or, in the Chair's absence, the Vice Chair*, may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of *the participation or* attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed ~~1by the Commission1~~ pursuant to this section; and



(c) The witness has failed or refused to *participate*, attend , *testify* or produce the books and papers *as* required by the subpoena , ~~{before the Commission,}~~ or has *failed or* refused to answer questions propounded to the witness,

↳ and asking for an order of the court compelling the witness to *participate*, attend , ~~{and}~~ testify or produce the books and papers ~~{before the Commission.}~~

~~—6.}~~ *as required by the subpoena.*

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not *participated*, attended, testified or produced the books or papers ~~{before the Commission.}~~ *as required by the subpoena.* A certified copy of the order must be served upon the witness.

~~{7.}~~ 10. If it appears to the court that the subpoena was regularly issued ~~{by the Commission,}~~ *pursuant to this section*, the court shall enter an order that the witness ~~{appear before the Commission,}~~ *comply with the subpoena*, at the time and place fixed in the order, and *participate, attend*, testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 20. NRS 281A.400 is hereby amended to read as follows:

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity , *for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity*, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest ~~{}~~ or any person to whom the public officer or employee has a commitment in a private capacity . ~~{to the interests of that person.}~~ As used in this subsection, "unwarranted" means without justification or adequate reason.



3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and *the public officer or employee*, any business entity in which the public officer or employee has a significant pecuniary interest ~~†~~ *or any person to whom the public officer or employee has a commitment in a private capacity.*

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source , *for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity*, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee ~~†~~ *or any person to whom the public officer or employee has a commitment in a private capacity.*

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee ~~†~~ *or any person to whom the public officer or employee has a commitment in a private capacity.* This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or



(c) The use of telephones or other means of communication if there is not a special charge for that use.

➡ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee *or any person to whom the public officer or employee has a commitment in a private capacity* through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts *for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity* through the use of the public officer's or employee's official position.



Sec. 20.3. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member ~~requests~~ *files a request for* an *advisory* opinion from the Commission pursuant to ~~subsection 1 of NRS 281A.440;~~ *section 3.2 of this act;* and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. *For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.*



5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

~~15. Not later than January 15 of each year, if any State Legislator, member of a local legislative body or other public officer permitted by this section has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department, he or she shall disclose for each such representation or counseling during the previous calendar year:~~

- ~~—(a) The name of the client;~~
- ~~—(b) The nature of the representation; and~~
- ~~—(c) The name of the state agency.~~

~~6. The disclosure required by subsection 5 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

- ~~—(a) Delivered in person to the principal office of the Commission in Carson City.~~
- ~~—(b) Mailed to the Commission by first class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~
- ~~—(c) Dispatched to a third party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third party commercial carrier is complete upon timely depositing the disclosure with the third party commercial carrier.~~
- ~~—(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.~~

~~7. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.~~

Sec. 20.5. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;



(b) In which the public officer or employee has a significant pecuniary interest; ~~or~~

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person ~~or~~ ; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

↳ without disclosing information concerning the gift or loan, *the* significant pecuniary interest ~~or~~ , *the* commitment in a private capacity to the interests of the *other* person *or the nature of the representation or counseling of the private person* that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, ~~or~~ upon the person to whom the public officer or employee has a commitment in a private capacity ~~or~~ *or upon the private person who was represented or counseled by the public officer or employee.* Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;



- (b) The public officer's significant pecuniary interest; or
- (c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the *duty of the public officer to make a proper disclosure* ~~of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.~~ *at the time the matter is considered and in the manner required by subsection 1.*

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer ~~has properly disclosed the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person~~ *makes a proper disclosure at the time the matter is considered and* in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by



any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, “public officer” and “public employee” do not include a State Legislator.

Sec. 20.7. NRS 281A.430 is hereby amended to read as follows:

281A.430 1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.



4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➔ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:



(a) The public officer or employee ~~requests~~ *files a request for an advisory* opinion from the Commission pursuant to ~~subsection 1 of NRS 281A.440;~~ *section 3.2 of this act;* and

(b) The Commission determines that such relief is not contrary to:

- (1) The best interests of the public;
- (2) The continued ethical integrity of each agency affected by the matter; and
- (3) The provisions of this chapter.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.

Sec. 21. (Deleted by amendment.)

Sec. 21.5. NRS 281A.450 is hereby amended to read as follows:

281A.450 1. If ~~if a request for an opinion is submitted to~~ *an ethics complaint is filed with* or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his or her legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the ~~request for the opinion~~ *ethics complaint* if:

(a) The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and

(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:

(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and

(2) Appears to have been performed or omitted in good faith.

2. The Attorney General shall create a written record setting forth the basis for the Attorney General's determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.



Sec. 22. NRS 281A.465 is hereby amended to read as follows:

281A.465 In any matter in which the Commission disposes of ~~the request for an opinion~~ *an ethics complaint* by stipulation, agreed settlement or consent order ~~or~~ *or in which the review panel approves a deferral agreement*, the Commission *or the review panel, as appropriate*, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 23. NRS 281A.475 is hereby amended to read as follows:

281A.475 1. ~~The Commission, in~~ determining whether a violation of this chapter is a willful violation and, if so, the ~~amount of any civil~~ penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480 ~~or section 13 of this act, or the Commission~~ *review panel, in determining whether to approve a deferral agreement regarding an alleged violation*, shall consider, without limitation:

(a) The seriousness of the *violation or alleged* violation, including, without limitation, the nature, circumstances, extent and gravity of the *violation or alleged* violation;

(b) The number and history of previous warnings ~~issued to~~ , *letters of caution or instruction, deferral agreements or violations or alleged* violations of the provisions of this chapter ~~by~~ *relating to* the public officer or employee;

(c) The cost to ~~the Commission to~~ conduct the investigation and any ~~hearing~~ *meetings, hearings or other proceedings* relating to the *violation or alleged* violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the *violation or alleged* violation, any attempts to rectify the *violation or alleged* violation before any *ethics* complaint is filed and any cooperation by the public officer or employee in resolving the *ethics* complaint;

(e) Any restitution or reimbursement paid to parties affected by the *violation or alleged* violation;

(f) The extent of any financial gain resulting from the *violation or alleged* violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission *or the review panel, as appropriate*, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the ~~Commission's~~ determination of the severity of the *violation or alleged* violation.



3. In applying the factors set forth in this section, the Commission *or the review panel, as appropriate*, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the *violation or alleged* violation.

Sec. 24. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, *if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter*, the Commission may, upon its own motion or upon the motion of the ~~person about whom an opinion was requested pursuant to NRS 281A.440,~~ *impose a civil penalty not to exceed \$5,000 ; and*

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000 ; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter. current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:



(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➔ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation



of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to ~~any prior published opinion issued by the Commission which was publicly available on the Internet website of the Commission.~~ *the provisions of this chapter as interpreted by the Commission.*

6. In addition to any other penalties provided by law, *if* a public employee ~~who~~ commits a willful violation of this chapter *or fails to complete a period of compliance imposed by the Commission pursuant to section 13 of this act or by the review panel as part of the terms and conditions of a deferral agreement, the public employee* is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 25. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be



informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office,



the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. *If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.*

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

~~18.1~~ 9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

~~19.1~~ 10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.



~~10.1~~ 11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480 ~~1.1~~ and *section 13 of this act*; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~11.1~~ 12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 26. NRS 281A.510 is hereby amended to read as follows:

281A.510 1. A public officer or public employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a public officer or public employee to a charitable organization from which the officer or employee does not derive any financial benefit is deemed not to be accepted or received by the officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of payment for work performed outside the normal course of a person's public office or employment if the performance of that work is consistent with the applicable policies of the person's public employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse of a public officer or public employee if it is related to the spouse's profession or occupation.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in the officer's or employee's capacity as a public officer or public employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the public officer or public employee, the officer's or employee's spouse or the officer's or employee's aid for transportation and for lodging and meals while the public officer or public employee is away from the officer's or employee's residence.

(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of the officer's or employee's public office or employment.



(c) A fee for a speech related to the officer's or employee's profession or occupation outside of the officer's or employee's public office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other ~~penalty imposed pursuant to NRS 281A.480,~~ *penalties provided by law*, a public officer or public employee who violates the provisions of this section shall forfeit the amount of the honorarium.

Sec. 27. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

→ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,
→ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination



of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may *file a request ~~that the Commission apply~~ for an advisory opinion pursuant to section 3.2 of this act concerning the application of the relevant facts in that person's case to the provisions of*



subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

- (a) The best interests of the public;
 - (b) The continued ethical integrity of the State Government or political subdivision, as applicable; and
 - (c) The provisions of this chapter,
- it may issue an *advisory* opinion to that effect and grant such relief. ~~[The]~~

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a ~~case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.~~

~~—7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~—(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~—(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto in any manner except to:~~

~~——(1) The public body, agency or employer of the public officer or employee or a prospective employer of the public officer or employee; or~~

~~——(2) Any person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or~~

~~—(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~—8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence~~



~~concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.]~~
matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. For the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section,

↪ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, “regulation” has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 28. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,



213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, ~~281A.440, 281A.550,~~ 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,



656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 3.3, 3.4, 8, 9 and 12.5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require



the person who has requested the copy to prepare the copy himself or herself.

Sec. 29. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, ~~281A.440, 281A.550,~~ 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and sections 3.5, 5.5 and 11 of this act* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 29.5. 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission and are commenced on or after July 1, 2017, whether or not the conduct at issue in such proceedings occurred before July 1, 2017.

(b) May apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that



were commenced before July 1, 2017, and are still within the jurisdiction of the Commission and pending before the Commission on July 1, 2017, unless the Commission determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before July 1, 2017.

2. The amendatory provisions of:

(a) Sections 20, 20.3, 20.5, 20.7 and 27 of this act do not apply to any conduct occurring before July 1, 2017.

(b) Sections 15.7 and 16 of this act do not apply to any conduct occurring before January 1, 2018.

Sec. 30. NRS 281A.108 and 281A.440 are hereby repealed.

Sec. 31. 1. This section and sections 1 to 15.5, inclusive, and 16.5 to 30, inclusive, of this act become effective on July 1, 2017.

2. Sections 15.7 and 16 of this act become effective on January 1, 2018.



AB 517
Unclassified Pay
Bill

CHAPTER.....

AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The following state officers, employees, and medical and related positions in the unclassified service of the State of Nevada are entitled to receive approximate annual salaries of not more than the maximum amounts set forth following their specified titles or positions:

Title or Position	Annual Salary
1. State Office of Energy:	
Director, Office of Energy	\$110,132
Deputy Director, Office of Energy	84,048
2. High Level Nuclear Waste:	
Executive Director, Nuclear Projects Office	\$118,767
Executive Assistant	57,965
Technical Division Administrator	108,115
Planner/Researcher	85,710
3. Office of the Governor:	
Director, Governor's Finance Office.....	\$131,578
Deputy Director, Governor's Finance Office.....	120,564
Chief Assistant Budget Administrator.....	91,639
Executive Assistant	57,965
Division Administrator, Internal Audits.....	110,711
Director, Western Interstate Commission for Higher Education	74,378
4. Office of the Lieutenant Governor:	
Chief of Staff.....	\$76,613
Assistant to the Lieutenant Governor (each)	72,965
Administrative Secretary	49,251
5. Office of the Secretary of State:	
Chief Deputy	\$120,564



Title or Position	Annual Salary
Deputy Secretary of State, Commercial Recordings.....	\$100,858
Deputy Secretary of State, Southern Nevada	100,858
Deputy Secretary of State, Elections	110,711
Deputy Secretary of State, Operations	100,858
Securities Administrator.....	105,329
Chief, Enforcement	100,537
Executive Assistant	57,965
Public Information Officer	73,035
Business Portal Administrator.....	105,655
6. Office of the State Treasurer:	
Chief Deputy State Treasurer	\$120,564
Senior Deputy State Treasurer (each).....	110,711
Chief of Staff.....	120,564
Deputy State Treasurer, Debt Service	100,858
Deputy State Treasurer, Investments.....	120,564
Deputy State Treasurer, Cash Management	100,858
Executive Director, Millennium Scholarship	100,858
Executive Assistant	57,965
Deputy State Treasurer, Unclaimed Property.....	100,858
7. Office of the Controller:	
Chief Deputy Controller	\$110,711
Executive Assistant	57,965
8. Office of the Attorney General:	
(a) Attorney General's Office:	
Assistant Attorney General	\$144,910
Attorney General Counsel for Prosecuting Attorneys.....	110,711
Ombudsman for Victims of Domestic Violence	61,435
Bureau Chief (each)	131,578
Chief Deputy Attorney General (each)	121,725
Chief of Staff.....	144,910
General Counsel.....	136,605
Solicitor General	136,605
Special Counsel (each).....	136,605
Special Assistant Attorney General, Military	110,711
Special Assistant Attorney General, Neighborhood	110,711
Senior Deputy Attorney General (each).....	110,132



Title or Position	Annual Salary
Deputy Attorney General (each)	\$98,539
Public Information Officer	73,035
Chief Investigator	90,424
Investigator (each)	67,943
Chief Personnel Manager	90,424
Information Technology Chief	103,226
Financial Analyst	84,048
Executive Assistant	57,965
Chief Financial Officer	105,329
Legal Researcher (each)	57,965
Supervising Legal Researcher (each)	60,862
Construction Law Counsel	136,605
Program Specialist, Technological Crimes	57,965
(b) Bureau of Consumer Protection:	
Senior Economist	\$105,349
Senior Engineer	94,078
Supervising Legal Researcher	60,682
Legal Researcher (each)	57,965
Senior Regulatory Analyst	87,914
Chief Deputy Attorney General (each)	121,725
Regulatory Manager	94,159
Technical Staff Manager	94,159
Deputy Attorney General	98,539
Engineer	84,825
Administrative Services Officer	76,329
Senior Deputy Attorney General (each)	110,132
9. Commission on Ethics:	
Executive Director	\$110,132
Commission Counsel	110,132
Associate Counsel	98,539
Executive Assistant	57,965
Investigator	67,943
Senior Legal Researcher	57,965
10. Supreme Court:	
Supervisory Staff Attorney (each)	\$110,132
Chief Assistant Clerk	121,725
Chief Clerk	144,910
Chief Deputy Clerk	74,773
Court Administrator	127,521
Deputy Court Administrator (each)	110,132
Staff Attorney (each)	98,539



Title or Position	Annual Salary
Law Librarian	\$104,335
Senior Law Clerk (each)	64,064
11. Commission on Judicial Discipline:	
General Counsel	\$144,910
12. Department of Administration:	
Director	\$131,578
Deputy Director	120,564
Executive Assistant	57,965
Information Systems Specialist	63,871
Senior Appeals Officer	121,725
Appeals Officer, Hearings (each)	110,132
Hearing Officer (each)	73,035
Division Administrator, Fleet Services	
Division	84,048
Division Administrator, Administrative	
Services	110,711
Division Administrator, Risk Management	90,424
Division Administrator, Purchasing	100,858
Attorney, Purchasing	98,539
Administrator, Public Works Division	127,521
Deputy Administrator, Professional Services,	
Public Works Division	120,564
Deputy Administrator, Code Compliance and	
Enforcement, Public Works Division	120,564
Deputy Administrator, Buildings and	
Grounds, Public Works Division	110,711
Public Works Division, Project Manager III	
(each)	110,132
Public Works Division, Project Manager II	
(each)	100,858
Chief, Office of Grants Procurement	83,589
Executive Grants Analyst (each)	63,822
Senior Executive Grants Analyst	76,319
Division Administrator, Human Resource	
Management	110,711
Division Deputy Administrator, Human	
Resource Management (each)	90,424
Administrator, Equal Employment	
Opportunity	84,048
Division Administrator, State Library,	
Archives and Public Records	100,858



Title or Position	Annual Salary
Division Administrator, Enterprise Information Technology Services	\$120,564
Deputy Administrator, Enterprise Information Technology Services	110,711
Chief Assistant, Planning	84,031
Chief, Planning, Research and Grant Management	91,639
Special Advisor, Enterprise Information Technology Services	100,858
Deferred Compensation Executive Officer	100,858
13. Department of Taxation:	
Director	\$131,578
Chief Deputy Director, Taxation	120,564
Deputy Director (each)	110,711
Executive Assistant	57,965
Administrative Law Judge (licensed attorney)	110,132
Chief Administrative Law Judge (licensed attorney)	121,725
State Demographer, Taxation	98,539
14. Department of Education:	
Superintendent of Public Instruction	\$131,578
Director, Safe and Respectful Learning Office	90,424
Director, Research and Evaluation Services	90,424
Deputy Superintendent of Instructional, Research and Evaluative Services (each)	110,711
Deputy Superintendent for Administrative and Fiscal Services	110,711
Executive Assistant	57,965
15. State Public Charter School Authority:	
Director, State Public Charter School Authority	\$100,858
Deputy Director, State Public Charter School Authority	90,424
Staff Attorney	98,539
16. Department of Employment, Training and Rehabilitation:	
Director, Employment, Training and Rehabilitation	\$131,578
Chief, Disability Employment Policy	84,048
Division Administrator, Rehabilitation	110,711
Chief Auditor	92,741



Title or Position	Annual Salary
Deputy Director	\$120,564
Executive Assistant	57,965
Division Administrator, Employment Security	120,564
Division Administrator, Equal Rights Commission.....	90,424
Division Administrator, Information Development and Processing	110,711
Hearing Officer (each).....	73,035
Senior Attorney	110,132
Assistant to the Director	91,635
17. Department of Health and Human Services:	
Director.....	\$131,578
Deputy Director, Programs.....	110,711
Deputy Director, Fiscal Services	110,711
Deputy Director, Administrative Services	110,711
Governor's Consumer Health Advocate	100,858
Ombudsman for Consumer Health Assistance (each).....	80,428
Manager, Office of Minority Health and Equity	73,035
Executive Assistant (each)	57,965
Division Administrator, Health Care Financing and Policy	120,564
Deputy Division Administrator, Health Care Financing and Policy (each).....	110,711
Actuary, Health Care Financing and Policy	100,858
Deputy Division Administrator, Public and Behavioral Health (each).....	110,711
Chief Biostatistician	100,858
State Epidemiologist.....	100,858
State Dental Health Officer	160,324
State Public Health Dental Hygienist	100,858
Medical Epidemiologist	160,324
Agency Manager (each)	110,132
Hospital Administrator	110,132
Statewide Suicide Prevention Coordinator.....	73,035
Statewide Suicide Prevention Trainer/Networking Facilitator (each)	69,557
Statewide Psychiatric Medical Director	213,251



Title or Position	Annual Salary
Medical Program Coordinator, Mental Health Program	\$195,327
Chief Medical Officer	222,326
Division Administrator, Public and Behavioral Health.....	127,521
Division Administrator, Welfare and Supportive Services.....	120,564
Division Administrator, Child and Family Services	120,564
Deputy Division Administrator, Child and Family Services (each)	110,711
Deputy Division Administrator, Welfare and Supportive Services (each).....	110,711
Superintendent, Nevada Youth Training Center	100,858
Superintendent, Caliente Youth Center	100,858
Superintendent, Summit View Youth Correctional Center	105,900
Bureau Chief, Youth Parole Bureau	100,858
Division Administrator, Aging and Disability Services	120,564
Deputy Division Administrator, Aging and Disability Services (each).....	110,711
Chief, Elder Rights	90,424
18. Silver State Health Insurance Exchange:	
Executive Director, Silver State Health Insurance Exchange	\$120,564
Operations Manager, Silver State Health Insurance Exchange	108,393
Grants and Projects Analyst	57,582
Executive Assistant	57,965
Finance and Research Officer	83,592
Information Technology Analyst	71,545
Administrative Assistant (each)	49,044
Communications Officer	76,312
Information Systems Manager	100,522
Benefit Manager	62,546
Quality Assurance Officer	85,734
Training Specialist.....	64,950
19. Office of the State Public Defender:	
State Public Defender	\$121,725



Title or Position	Annual Salary
Supervising Public Defender (office).....	\$110,132
Supervising Public Defender (trial).....	110,132
Supervising Public Defender (appeals)	110,132
Deputy Public Defender (each)	98,539
Deputy Public Defender, Appellate.....	98,539
Investigator (each).....	67,943
20. Department of Business and Industry:	
Director.....	\$131,578
Deputy Director, Administration.....	100,858
Deputy Director, Programs.....	110,711
Executive Assistant	57,965
Administrative Law Judge.....	110,132
Division Administrator, Financial Institutions	100,858
Deputy Division Administrator, Financial Institutions.....	84,048
Certified Public Accountant, Financial Institutions.....	69,749
Division Administrator, Real Estate.....	100,858
Deputy Division Administrator, Real Estate	84,048
Ombudsman, Real Estate	73,035
Division Administrator, Housing	100,858
Deputy Division Administrator, Housing.....	84,048
Chief Assistant, Housing	69,557
Chief Financial Officer, Housing	98,539
Deputy Administrator, Housing	90,424
Affordable Housing Advocate.....	73,035
Division Administrator, Insurance	120,564
Deputy Division Administrator, Insurance (each).....	100,858
Deputy Division Administrator, Insurance, Captive Insurers	98,539
Lead Actuary, Insurance (each).....	129,889
Lead Insurance Counsel/Hearing Officer	110,132
Insurance Counsel/Hearing Officer (each).....	100,858
Division Administrator, Taxicab Authority	117,699
Attorney, Taxicab Authority	98,539
Division Administrator, Transportation Authority	117,699
Chief Transportation Inspector.....	96,001
Commissioner, Transportation Authority (each).....	110,362



Title or Position	Annual Salary
Financial Analyst (each).....	\$84,147
Manager, Transportation	91,171
Deputy Division Administrator, Transportation Authority.....	98,539
Attorney, Transportation Authority.....	98,539
Division Administrator, Mortgage Lending.....	100,858
Deputy Division Administrator, Mortgage Lending	84,048
Certified Public Accountant, Mortgage Lending	69,749
Division Administrator, Industrial Relations.....	110,711
Deputy Division Administrator, Industrial Relations (each).....	90,424
Attorney, Industrial Relations (each)	98,539
Senior Attorney, Industrial Relations	110,132
Chief Investigator	84,048
Deputy Division Administrator, Mechanical Unit.....	84,048
Deputy Division Administrator, Safety Consultation	84,048
Deputy Division Administrator, Mine Safety.....	84,048
Division Administrator, Attorney for Injured Workers.....	121,725
Deputy Attorney for Injured Workers (each).....	98,539
Senior Deputy Attorney for Injured Workers (each).....	110,132
Division Administrator, Employee- Management Relations Board	90,424
Executive Assistant, Employee-Management Relations Board	57,965
Division Administrator, Office of Labor Commissioner	100,858
Deputy Division Administrator, Office of Labor Commissioner.....	84,048
Chief Assistant, Office of Labor Commissioner	54,090
Division Administrator, Athletic Commission.....	100,858
Chief Assistant, Athletic Commission	69,557
Ombudsman of Consumer Affairs for Minorities	76,613



Title or Position	Annual Salary
21. State Department of Agriculture:	
Director, Agriculture	\$120,564
Executive Assistant	57,965
Deputy Director, Agriculture.....	110,711
State Veterinarian	112,993
Division Administrator, Food and Nutrition	100,858
Deputy Administrator, Food and Nutrition	90,424
Division Administrator, Animal Industry.....	90,424
Veterinary Diagnostician.....	92,599
Supervisor, Animal Disease Laboratory.....	99,943
Division Administrator, Consumer Equitability	100,858
Division Administrator, Plant Industry	100,858
Deputy Division Administrator, Plant Industry	90,424
Fiscal Administrator	100,858
Industry and Global Trade Coordinator	79,944
22. Commission on Mineral Resources:	
Administrator, Minerals	\$108,127
Deputy Administrator, Minerals.....	86,500
Chief for Dangerous Mines	77,798
Chief for Mine Regulation.....	77,798
Field Specialist, Minerals (each)	65,863
Program Manager, Oil, Gas and Geothermal	99,560
23. Department of Tourism and Cultural Affairs:	
Director, Tourism and Cultural Affairs	\$120,564
Chief Deputy, Administration	100,858
Administrator, Nevada Arts Council.....	100,858
Executive Assistant	57,965
Public Information Officer	82,391
Deputy Director, Sales and Industry Partners	79,944
Deputy Director, Marketing and Advertising.....	79,944
Development Specialist II, Tourism (each).....	79,944
Development Specialist, Tourism (each)	75,061
Project Analyst II (each).....	67,140
Project Analyst	57,582
Development Specialist, Nevada Magazine (each).....	66,492
Editor Publisher, Nevada Magazine	90,828
Managing Editor, Publications	69,819
Production Manager	56,280



Title or Position	Annual Salary
Art Director (each)	\$59,466
Advertising Sales Representative	61,000
Operations and Finance Manager	87,433
Public Relations Specialist	75,062
Division Administrator, Museums and History	100,858
Executive Director, Nevada Indian Commission	73,035
24. Nevada Gaming Control Board:	
Chair, Gaming Control Board	\$154,251
Member, Gaming Control Board (each)	143,426
Executive Assistant	60,804
Chief, Investigation	110,103
Chief, Enforcement	110,103
Chief, Audit	110,103
Chief, Tax and License	110,103
Chief, Administration	110,103
Chief Deputy, Administration	100,094
Executive Secretary, Gaming Control Board	100,094
Manager, Electronics Lab	107,523
Chief, Technology	117,609
Senior Lab Engineer (each)	102,402
Electronic Lab Engineer (each)	97,526
Coordinator, Applicant Services	97,365
Chief Deputy, Enforcement (each)	100,094
Information Technology Manager	107,273
Senior Network Specialist	91,950
Network Specialist II (each)	84,693
Network Specialist I (each)	76,690
Systems Administrator	90,678
System Manager	100,933
Programming Manager	100,933
Programming Supervisor	95,110
Chief Deputy, Audit (each)	100,094
Chief Deputy, Investigations (each)	100,094
Chief Deputy, Tax and License	100,094
Hearings Officer (each)	96,419
Information Management Coordinator	86,629
Financial Officer	86,629
Supervisor, Investigations (each)	90,993
Supervisor, Enforcement (each)	90,993



Title or Position	Annual Salary
Supervisor, Audit (each).....	\$90,993
Supervisor, Tax and License (each)	90,993
Supervisor (each).....	90,993
Human Resources Manager.....	97,365
Senior Agent, Technology (each).....	78,784
Senior Agent, Investigations (each)	78,784
Senior Agent, Audit (each).....	78,784
Senior Agent, Tax and License (each)	78,784
Senior Research Specialist (each)	96,384
Senior Agent, Enforcement (each)	78,784
Agent, Audit (each).....	71,622
Agent, Investigations (each).....	71,622
Agent, Enforcement (each).....	71,622
Agent, Tax and License (each).....	71,622
Electronics Technician (each)	63,824
Senior Application Developer (each)	85,387
Special Agent (each)	82,722
Special Agent, Audit (each)	82,722
25. Public Utilities Commission of Nevada:	
Executive Director.....	\$120,564
Chair	128,680
Public Utilities Commissioner (each).....	120,564
Executive Assistant (each)	57,965
Senior Financial Analyst	88,354
Financial Analyst (each).....	84,147
Chief Attorney (each).....	121,725
Senior Attorney (each)	110,132
Supervisor, Consumer Complaint Resolution	84,048
Manager, Safety and Quality Assurance	100,858
Manager, Systems Operation.....	94,730
Public Education and Statistical Analysis	
Officer (each)	69,557
Administrative Attorney (each).....	73,035
Manager, Resource and Market Analysis.....	100,858
Engineer, Water	96,001
Engineer, Electric (each)	94,078
Senior Gas Pipeline Engineer.....	96,001
Engineer, Gas Pipeline (each)	87,548
Senior Engineering Analyst.....	87,548
Manager, Policy Analysis.....	100,858
Director, Regulatory Operations	120,564



Title or Position	Annual Salary
Manager, Consumer Complaint Resolution	\$100,858
Senior Analyst	75,405
Rural Consumer Representative	68,033
Manager, Tariffs and Compliance	100,858
Commission Secretary	100,858
Assistant Commission Secretary	90,424
Senior Regulatory Economist	94,830
Regulatory Economist (each)	90,315
Commission Policy Advisory (each)	96,001
Senior Utility Analyst (each)	75,405
Resource Planning Engineer	87,548
Legal Case Manager	73,035
26. Department of Motor Vehicles:	
Director	\$131,578
Deputy Director, Motor Vehicles	127,521
Executive Assistant	57,965
Division Administrator, DMV Motor Carrier	100,858
Division Administrator, DMV Management Services	100,858
Division Administrator, DMV Automation	110,711
Division Administrator, DMV Field Services	110,711
Deputy Administrator, DMV Field Services	100,858
Division Administrator, DMV Compliance Enforcement	110,711
Deputy Administrator, Compliance Enforcement (each)	100,858
Division Administrator, DMV Central Services	100,858
Division Administrator, DMV Administrative Services	100,858
Chief Administrative Law Judge, DMV (licensed attorney)	121,725
Chief Administrative Law Judge, DMV (other than licensed attorney)	110,132
DMV Administrative Law Judge (licensed attorney) (each)	110,132
DMV Administrative Law Judge (other than licensed attorney) (each)	98,539
27. Department of Public Safety:	
Director	\$131,578
Deputy Director, Public Safety	127,521



Title or Position	Annual Salary
Executive Assistant	\$57,965
Division Administrator, Parole and Probation	127,521
Chair, State Board of Parole Commissioners	110,711
Parole Board Member (each).....	90,424
Executive Assistant, Parole Board	57,965
Division Administrator, General Services.....	115,667
Division Administrator, State Fire Marshal	110,711
Division Administrator, Capitol Police	100,858
Division Administrator, Investigations	120,564
Division Administrator, Highway Safety Planning and Administration.....	84,048
Division Administrator, Cyber Security	107,465
Chief, Nevada Highway Patrol.....	127,521
Lieutenant Colonel, Nevada Highway Patrol.....	127,521
Division Administrator, Homeland Security	120,564
Analyst Supervisor / NAIC Manager	76,331
28. Department of Corrections:	
Director.....	\$131,578
Executive Assistant	57,965
Medical Director.....	197,159
Mental Health Director.....	110,711
Deputy Director, Operations, Northern Region	120,564
Deputy Director, Industrial Programs	120,564
Deputy Director, Operations, Southern Region	120,564
Deputy Director, Support Services.....	120,564
29. Peace Officers' Standards and Training Commission:	
Director.....	\$100,858
Deputy Director	90,424
Executive Assistant	57,965
Bureau Chief (each).....	79,606
Training Specialist (each).....	72,663
30. State Department of Conservation and Natural Resources:	
Director.....	\$131,578
Deputy Director (each).....	110,711
Executive Assistant	57,965
Division Administrator, Environmental Protection	127,521
Division Administrator, Water Resources.....	127,521
Division Administrator, Forestry.....	110,711



Title or Position	Annual Salary
Division Administrator, State Parks	\$110,711
Division Administrator, State Lands	100,858
District Supervisor, Water Commissioner, Water Resources.....	73,035
Administrator, Natural Heritage	84,048
Administrator, Historic Preservation.....	100,858
31. Department of Wildlife:	
Director.....	\$120,564
Deputy Director (each).....	110,711
Executive Assistant	57,965
Chief Game Warden.....	100,858
Division Administrator, Conservation Education.....	90,424
Division Administrator, Fisheries Management.....	90,424
Division Administrator, Game Management.....	90,424
Division Administrator, Habitat	90,424
Division Administrator, Wildlife Administration.....	90,424
Division Administrator, Wildlife Diversity	90,424
32. Department of Transportation:	
Director.....	\$131,578
Deputy Director (each).....	128,680
Executive Assistant	57,965
Assistant Director, Administrative Services.....	110,711
Assistant Director, Planning and Program Development	110,711
Assistant Director, Engineering.....	127,521
Assistant Director, Operations.....	127,521
Hearings Officer	73,035
Communications Director	90,424
Administrator of External Civil Rights	100,858
Chief Pilot.....	98,539
Pilot III (each)	90,424
Pilot II.....	84,048
33. Colorado River Commission of Nevada:	
Director.....	\$135,807
Deputy Director	129,125
Energy Services Manager.....	129,125
Division Head, Water	123,052
Administrative Services Officer	123,052



Title or Position	Annual Salary
Office Manager.....	\$67,637
Senior Energy Accountant (each).....	92,231
Natural Resource Specialist (each).....	106,990
Environmental Program Manager	110,678
Network Administrator.....	79,934
Power Supply Manager	113,516
Assistant Director Engineering and Operations	122,977
Assistant Director Energy Information Systems	110,678
Power Facilities Manager	110,678
Power Facilities Communication Technician (each).....	86,084
Senior Power Facilities Electrician (each).....	86,084
Senior Power Facilities Engineer	106,422
Power Facilities Electrician.....	79,934
Hydropower Program Manager	116,829
Assistant Hydropower Program Manager	104,531
Manager, Power Planner	110,132
Power Supply Planner	110,711
Assistant Power Supply Planner.....	96,000
Manager, Power Accounting.....	110,132
Energy Accountant	81,150
34. Public Employees' Benefits Program:	
Executive Officer	\$127,521
Executive Assistant	57,965
Quality Control Officer	98,539
Operations Officer.....	108,393
Chief Financial Officer.....	98,539
Chief Information Officer.....	103,226
Financial Analyst.....	82,889
35. Department of Veterans Services:	
Director, Veterans Services	\$98,539
Deputy Director, Programs and Services	84,048
Deputy Director, Health and Wellness	84,048
Executive Assistant	57,965
Administrator, Veterans Home.....	110,711
36. Office of the Military:	
Adjutant General	\$120,564
Nevada National Guard Officer – SAD (each).....	147,552



Title or Position	Annual Salary
Nevada National Guard Warrant Officer – SAD (each).....	\$100,860
Nevada National Guard Enlisted – SAD (each).....	89,647
37. Medical and Related Positions:	
Senior Physician (Range C) (each).....	\$160,324
Senior Psychiatrist (Range C) (each)	182,244
Senior Institutional Dentist (Range B) (each)	142,637
Pharmacist 3	124,109
Pharmacist 2 (each)	112,825
Pharmacist 1 (each)	102,570

➔ A Senior Psychiatrist (Range C) is a psychiatrist certified by the American Board of Psychiatry and Neurology, Inc.

Sec. 2. 1. If any unclassified position is omitted from this act for Fiscal Year 2017-2018 or Fiscal Year 2018-2019, the Division of Human Resource Management of the Department of Administration shall examine the duties and responsibilities of the position and submit to the Interim Finance Committee a list of those duties and responsibilities and a recommended salary for the position. The Interim Finance Committee shall review the duties and responsibilities of the position and establish the salary for the position.

2. If the Fiscal Analysis Division of the Legislative Counsel Bureau determines that the title or maximum salary for a position set forth in section 1 of this act contains a typographical or other error that misrepresents the maximum salary intended to be set forth in section 1 of this act, the Interim Finance Committee may review the duties and responsibilities of the position and establish the appropriate title and maximum salary for the position pursuant to the intent of the 79th Session of the Nevada Legislature.

3. An employee occupying a position that is currently in the classified service that is moved into the unclassified service pursuant to this act has the option to remain in the classified service at his or her current grade, with all rights afforded classified employees, or move into the unclassified service. If the employee chooses to move into the unclassified service, the employee cannot at a later date choose to return to the classified service while occupying this position.

4. Once an employee vacates the position moved into the unclassified service pursuant to this act, the employee who is the replacement in the position will be in the unclassified service.



5. If the salary for a position that is currently in the classified service or nonclassified service and that is moved into the unclassified service is reduced pursuant to this act, the salary for the employee currently serving in the position will be retained at its current level. Once the employee serving in the position vacates the position, the unclassified salary is established at the level in section 1 of this act.

6. If the salary for an employee occupying a position in the unclassified service on June 30, 2017, is more than the maximum salary for that position as set forth in section 1 of this act, the salary for that employee must be retained at the level in effect on June 30, 2017. Once an employee vacates a position for which the previous salary is retained pursuant to this section, the maximum salary for that position must be reduced to the amount set forth in section 1 of this act.

Sec. 3. The approximate maximum salaries as set forth in section 1 of this act must be increased by 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners for reimbursement to any department, commission or agency of the State of Nevada, including the Judicial Department of the State Government, which receives part or all of its funding from the State General Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of this act and the amount budgeted for that purpose and to provide salary increases as provided in section 3 of this act:

For the Fiscal Year 2017-2018	\$873,081
For the Fiscal Year 2018-2019	\$1,764,234

2. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for reimbursement to a state agency, which receives part or all of its funding from the State Highway Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of this act and the amount budgeted for that purpose and to provide salary increases as provided in section 3 of this act:

For the Fiscal Year 2017-2018	\$46,922
For the Fiscal Year 2018-2019	\$94,803

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse from the appropriate fund to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money



otherwise appropriated or available, equal the amount of money required to pay the salaries of the unclassified employees of the respective departments, commissions and agencies under the adjusted pay plan.

Sec. 5. 1. Except as otherwise provided in this act, to effect increases in salaries of approximately 2 percent, effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$7,766,687 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$16,170,061, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified and nonclassified personnel of those departments, commissions and agencies, including the Judicial Department of the State Government, necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to pay the salaries of the classified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 6. 1. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State Highway Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$1,312,920 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$2,727,741, for the purpose of meeting any deficiencies which may exist between the appropriated money of the



Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the salaries of the classified employees of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 7. 1. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$1,752,986 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$3,622,260, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified personnel of the Nevada System of Higher Education necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$7,671,833 and for



the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$15,700,343, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for increasing the salaries of those professional employees of the Nevada System of Higher Education whose positions are included in the Executive Budget as approved by the 79th Session of the Nevada Legislature, to become effective on July 1, 2017.

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Nevada System of Higher Education out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated are limits and equal the amount of money available to pay the salaries of the classified and professional employees of the Nevada System of Higher Education under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 8. The salaries of the employees of the Legislative Counsel Bureau and of interim legislative operations shall be increased by approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018. Any deficiencies which may be created between the money appropriated to the Legislative Fund as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the personnel of the Legislative Counsel Bureau necessary under an adjusted pay plan to become effective on July 1, 2017, must be covered through expenditures from the balance in the Legislative Fund.

Sec. 9. The Department of Health and Human Services and the Department of Corrections may adopt a plan to authorize additional payments of up to \$60 for a specified period on a weeknight and of up to \$100 for a specified period on a weekend day for unclassified employees, who are Senior Psychiatrists, Senior Physicians or Pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric treatment facilities and correctional facilities and institutions. On-call responsibilities for Senior Psychiatrists and Senior Physicians include, without limitation, attending to clinical emergencies, evaluation of patients subject to seclusion and restraint



and completing rounds during weekends. On-call responsibilities for Pharmacists include, without limitation, consultation with medical personnel and first dosage reviews.

Sec. 10. The Nevada Gaming Control Board may adopt a plan to authorize additional payments of up to \$5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law in the State of Nevada or any other state, or are in a qualifying position as an electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering or computer science and utilize, in the opinion of the Board, the skills evidenced by these qualifications to further enhance the performance of their job duties and responsibilities.

Sec. 11. Any remaining balance of an appropriation made by sections 4 to 8, inclusive, of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 20, 2019.

Sec. 12. 1. Money in subsection 1 of section 4 of this act and section 5 of this act may be transferred between those sections to finance the 2 percent salary increase authorized on July 1, 2017, and the 2 percent salary increase authorized on July 1, 2018.

2. Money in subsection 2 of section 4 of this act and section 6 of this act may be transferred between those sections to finance the 2 percent salary increase authorized on July 1, 2017, and the 2 percent salary increase authorized on July 1, 2018.

3. When determining the allocations of the money appropriated in sections 4 to 7, inclusive, of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.



Sec. 13. 1. To effect the State of Nevada's share of the increases of salary of approximately 2 percent effective July 1, 2017, and 2 percent effective on July 1, 2018, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than \$12,144 for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, and the sum of not more than \$24,530 for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2 for 1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.

Sec. 14. 1. Except as otherwise provided in this act, to effect salary increases effective January 7, 2019, in accordance with the provisions of NRS 223.050 for the Governor, NRS 224.050 for the Lieutenant Governor, NRS 225.050 for the Secretary of State, NRS 226.090 for the State Treasurer, NRS 227.060 for the State Controller and NRS 228.070 for the Attorney General, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of \$15,228 for the fiscal year beginning July 1, 2018, and ending on June 30, 2019.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the various agencies of the State of Nevada out of the money appropriated by this section such sums of money required to pay the salaries of the elected officials set forth in subsection 1.



Sec. 15. The sums appropriated for the support of the salaries for the Assistant Attorney General in the Office of the Attorney General, Chief of Staff in the Office of the Attorney General, Chief Clerk of the Nevada Supreme Court, General Counsel of the Commission on Judicial Discipline, Chairman of the Nevada Gaming Control Board, a member of the Nevada Gaming Control Board and an officer of the Nevada National Guard must be applied pursuant to the budget approved by the Legislature notwithstanding the provisions of NRS 281.123.

Sec. 16. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, ~~two~~ **three** Deputy Directors, a Chief Engineer and the following divisions:

- (a) Administrative Division.
- (b) Operations Division.
- (c) Engineering Division.
- (d) Planning Division.

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 17. NRS 612.230 is hereby amended to read as follows:

612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the post of Administrator ~~and~~ **and Senior Attorney**, from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.

2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.

3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance



with such established personnel practices as will tend to promote the morale and welfare of the organization.

4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.

Sec. 18. This act becomes effective on July 1, 2017.



SCR 6

Senate Concurrent Resolution No. 6–
Committee on Finance

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning salaries for certain positions in the unclassified and nonclassified service of the State.

WHEREAS, The Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers created by NRS 281.1571 makes its recommendations concerning the appropriate salaries to be paid to elected officers after comparing the current salaries of persons with similar qualifications who are employed by the State of Nevada and in the public sector and determining the minimum salary required to attract and retain experienced and competent persons; and

WHEREAS, The Administrator of the Division of Human Resource Management of the Department of Administration is authorized pursuant to NRS 284.175 to make recommendations to the Legislature concerning the appropriate salaries to be paid to employees in the classified service of the State after considering factors such as surveys of salaries of comparable jobs in government and private industry within the State of Nevada and western states, where appropriate, changes in the cost of living, the rate of turnover and difficulty of recruitment for particular positions and maintaining an equitable relationship among classifications; and

WHEREAS, There is no comparable mechanism for considering the appropriate salaries to be paid to state officers and employees who occupy positions in the unclassified and nonclassified service of the State; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct an interim study, as described herein, which is composed of:

1. Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;
2. Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly; and



3. The Administrator of the Division of Human Resource Management of the Department of Administration, who shall serve as a nonvoting member of the committee; and be it further

RESOLVED, That the Legislative Commission shall designate one of the members appointed to the committee to serve as the Chair of the committee; and be it further

RESOLVED, That, the committee shall conduct an interim study concerning the appropriate salaries for certain positions in the unclassified and nonclassified service of the State, which must, without limitation:

1. Include a review of any position within the Judicial Department of the State Government, the Commission on Ethics, the Nevada Gaming Control Board, the Public Utilities Commission of Nevada and any other department, commission or agency of the State of Nevada as determined by the committee;

2. Include selection of the positions in the unclassified and nonclassified service of the State in each department, commission or agency of the State of Nevada which are to be included in the interim study;

3. Include a review of the salary paid to the state officer or employee in each position selected for review by the committee; and

4. Provide for a market salary analysis for each position selected for review by the committee to be performed in a manner determined by the committee; and be it further,

RESOLVED, That, in conducting the interim study, the committee may consider whether any position that is currently designated as within the classified, unclassified or nonclassified service of the State should be redesignated; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor, the Administrator of the Division of Human Resource Management of the Department of Administration and the Director of the Administrative Office of the Courts.



CHAPTER.....

AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The following state officers, employees, and medical and related positions in the unclassified service of the State of Nevada are entitled to receive approximate annual salaries of not more than the maximum amounts set forth following their specified titles or positions:

Title or Position	Annual Salary
1. State Office of Energy:	
Director, Office of Energy	\$110,132
Deputy Director, Office of Energy	84,048
2. High Level Nuclear Waste:	
Executive Director, Nuclear Projects Office	\$118,767
Executive Assistant	57,965
Technical Division Administrator	108,115
Planner/Researcher	85,710
3. Office of the Governor:	
Director, Governor's Finance Office.....	\$131,578
Deputy Director, Governor's Finance Office.....	120,564
Chief Assistant Budget Administrator.....	91,639
Executive Assistant	57,965
Division Administrator, Internal Audits.....	110,711
Director, Western Interstate Commission for Higher Education	74,378
4. Office of the Lieutenant Governor:	
Chief of Staff.....	\$76,613
Assistant to the Lieutenant Governor (each)	72,965
Administrative Secretary	49,251
5. Office of the Secretary of State:	
Chief Deputy	\$120,564



Title or Position	Annual Salary
Deputy Secretary of State, Commercial Recordings.....	\$100,858
Deputy Secretary of State, Southern Nevada	100,858
Deputy Secretary of State, Elections	110,711
Deputy Secretary of State, Operations	100,858
Securities Administrator.....	105,329
Chief, Enforcement	100,537
Executive Assistant	57,965
Public Information Officer	73,035
Business Portal Administrator.....	105,655
6. Office of the State Treasurer:	
Chief Deputy State Treasurer	\$120,564
Senior Deputy State Treasurer (each).....	110,711
Chief of Staff.....	120,564
Deputy State Treasurer, Debt Service	100,858
Deputy State Treasurer, Investments.....	120,564
Deputy State Treasurer, Cash Management	100,858
Executive Director, Millennium Scholarship	100,858
Executive Assistant	57,965
Deputy State Treasurer, Unclaimed Property.....	100,858
7. Office of the Controller:	
Chief Deputy Controller	\$110,711
Executive Assistant	57,965
8. Office of the Attorney General:	
(a) Attorney General's Office:	
Assistant Attorney General	\$144,910
Attorney General Counsel for Prosecuting Attorneys.....	110,711
Ombudsman for Victims of Domestic Violence	61,435
Bureau Chief (each)	131,578
Chief Deputy Attorney General (each)	121,725
Chief of Staff.....	144,910
General Counsel.....	136,605
Solicitor General	136,605
Special Counsel (each).....	136,605
Special Assistant Attorney General, Military	110,711
Special Assistant Attorney General, Neighborhood	110,711
Senior Deputy Attorney General (each).....	110,132



Title or Position	Annual Salary
Deputy Attorney General (each)	\$98,539
Public Information Officer	73,035
Chief Investigator	90,424
Investigator (each)	67,943
Chief Personnel Manager	90,424
Information Technology Chief	103,226
Financial Analyst	84,048
Executive Assistant	57,965
Chief Financial Officer	105,329
Legal Researcher (each)	57,965
Supervising Legal Researcher (each)	60,862
Construction Law Counsel	136,605
Program Specialist, Technological Crimes	57,965
(b) Bureau of Consumer Protection:	
Senior Economist	\$105,349
Senior Engineer	94,078
Supervising Legal Researcher	60,682
Legal Researcher (each)	57,965
Senior Regulatory Analyst	87,914
Chief Deputy Attorney General (each)	121,725
Regulatory Manager	94,159
Technical Staff Manager	94,159
Deputy Attorney General	98,539
Engineer	84,825
Administrative Services Officer	76,329
Senior Deputy Attorney General (each)	110,132
9. Commission on Ethics:	
Executive Director	\$110,132
Commission Counsel	110,132
Associate Counsel	98,539
Executive Assistant	57,965
Investigator	67,943
Senior Legal Researcher	57,965
10. Supreme Court:	
Supervisory Staff Attorney (each)	\$110,132
Chief Assistant Clerk	121,725
Chief Clerk	144,910
Chief Deputy Clerk	74,773
Court Administrator	127,521
Deputy Court Administrator (each)	110,132
Staff Attorney (each)	98,539



Title or Position	Annual Salary
Law Librarian	\$104,335
Senior Law Clerk (each)	64,064
11. Commission on Judicial Discipline:	
General Counsel	\$144,910
12. Department of Administration:	
Director	\$131,578
Deputy Director	120,564
Executive Assistant	57,965
Information Systems Specialist	63,871
Senior Appeals Officer	121,725
Appeals Officer, Hearings (each)	110,132
Hearing Officer (each)	73,035
Division Administrator, Fleet Services	
Division	84,048
Division Administrator, Administrative	
Services	110,711
Division Administrator, Risk Management	90,424
Division Administrator, Purchasing	100,858
Attorney, Purchasing	98,539
Administrator, Public Works Division	127,521
Deputy Administrator, Professional Services,	
Public Works Division	120,564
Deputy Administrator, Code Compliance and	
Enforcement, Public Works Division	120,564
Deputy Administrator, Buildings and	
Grounds, Public Works Division	110,711
Public Works Division, Project Manager III	
(each)	110,132
Public Works Division, Project Manager II	
(each)	100,858
Chief, Office of Grants Procurement	83,589
Executive Grants Analyst (each)	63,822
Senior Executive Grants Analyst	76,319
Division Administrator, Human Resource	
Management	110,711
Division Deputy Administrator, Human	
Resource Management (each)	90,424
Administrator, Equal Employment	
Opportunity	84,048
Division Administrator, State Library,	
Archives and Public Records	100,858



Title or Position	Annual Salary
Division Administrator, Enterprise Information Technology Services	\$120,564
Deputy Administrator, Enterprise Information Technology Services	110,711
Chief Assistant, Planning	84,031
Chief, Planning, Research and Grant Management	91,639
Special Advisor, Enterprise Information Technology Services	100,858
Deferred Compensation Executive Officer	100,858
13. Department of Taxation:	
Director	\$131,578
Chief Deputy Director, Taxation	120,564
Deputy Director (each)	110,711
Executive Assistant	57,965
Administrative Law Judge (licensed attorney)	110,132
Chief Administrative Law Judge (licensed attorney)	121,725
State Demographer, Taxation	98,539
14. Department of Education:	
Superintendent of Public Instruction	\$131,578
Director, Safe and Respectful Learning Office	90,424
Director, Research and Evaluation Services	90,424
Deputy Superintendent of Instructional, Research and Evaluative Services (each)	110,711
Deputy Superintendent for Administrative and Fiscal Services	110,711
Executive Assistant	57,965
15. State Public Charter School Authority:	
Director, State Public Charter School Authority	\$100,858
Deputy Director, State Public Charter School Authority	90,424
Staff Attorney	98,539
16. Department of Employment, Training and Rehabilitation:	
Director, Employment, Training and Rehabilitation	\$131,578
Chief, Disability Employment Policy	84,048
Division Administrator, Rehabilitation	110,711
Chief Auditor	92,741



Title or Position	Annual Salary
Deputy Director	\$120,564
Executive Assistant	57,965
Division Administrator, Employment Security	120,564
Division Administrator, Equal Rights Commission.....	90,424
Division Administrator, Information Development and Processing	110,711
Hearing Officer (each).....	73,035
Senior Attorney	110,132
Assistant to the Director	91,635
17. Department of Health and Human Services:	
Director.....	\$131,578
Deputy Director, Programs.....	110,711
Deputy Director, Fiscal Services	110,711
Deputy Director, Administrative Services	110,711
Governor's Consumer Health Advocate	100,858
Ombudsman for Consumer Health Assistance (each).....	80,428
Manager, Office of Minority Health and Equity	73,035
Executive Assistant (each)	57,965
Division Administrator, Health Care Financing and Policy	120,564
Deputy Division Administrator, Health Care Financing and Policy (each).....	110,711
Actuary, Health Care Financing and Policy	100,858
Deputy Division Administrator, Public and Behavioral Health (each).....	110,711
Chief Biostatistician	100,858
State Epidemiologist.....	100,858
State Dental Health Officer	160,324
State Public Health Dental Hygienist	100,858
Medical Epidemiologist	160,324
Agency Manager (each)	110,132
Hospital Administrator	110,132
Statewide Suicide Prevention Coordinator.....	73,035
Statewide Suicide Prevention Trainer/Networking Facilitator (each)	69,557
Statewide Psychiatric Medical Director	213,251



Title or Position	Annual Salary
Medical Program Coordinator, Mental Health Program	\$195,327
Chief Medical Officer	222,326
Division Administrator, Public and Behavioral Health.....	127,521
Division Administrator, Welfare and Supportive Services.....	120,564
Division Administrator, Child and Family Services	120,564
Deputy Division Administrator, Child and Family Services (each)	110,711
Deputy Division Administrator, Welfare and Supportive Services (each).....	110,711
Superintendent, Nevada Youth Training Center	100,858
Superintendent, Caliente Youth Center	100,858
Superintendent, Summit View Youth Correctional Center	105,900
Bureau Chief, Youth Parole Bureau	100,858
Division Administrator, Aging and Disability Services	120,564
Deputy Division Administrator, Aging and Disability Services (each).....	110,711
Chief, Elder Rights	90,424
18. Silver State Health Insurance Exchange:	
Executive Director, Silver State Health Insurance Exchange	\$120,564
Operations Manager, Silver State Health Insurance Exchange	108,393
Grants and Projects Analyst	57,582
Executive Assistant	57,965
Finance and Research Officer	83,592
Information Technology Analyst	71,545
Administrative Assistant (each)	49,044
Communications Officer	76,312
Information Systems Manager	100,522
Benefit Manager	62,546
Quality Assurance Officer	85,734
Training Specialist.....	64,950
19. Office of the State Public Defender:	
State Public Defender	\$121,725



Title or Position	Annual Salary
Supervising Public Defender (office).....	\$110,132
Supervising Public Defender (trial).....	110,132
Supervising Public Defender (appeals)	110,132
Deputy Public Defender (each)	98,539
Deputy Public Defender, Appellate.....	98,539
Investigator (each).....	67,943
20. Department of Business and Industry:	
Director.....	\$131,578
Deputy Director, Administration.....	100,858
Deputy Director, Programs.....	110,711
Executive Assistant	57,965
Administrative Law Judge.....	110,132
Division Administrator, Financial Institutions	100,858
Deputy Division Administrator, Financial Institutions.....	84,048
Certified Public Accountant, Financial Institutions.....	69,749
Division Administrator, Real Estate.....	100,858
Deputy Division Administrator, Real Estate	84,048
Ombudsman, Real Estate	73,035
Division Administrator, Housing	100,858
Deputy Division Administrator, Housing.....	84,048
Chief Assistant, Housing	69,557
Chief Financial Officer, Housing	98,539
Deputy Administrator, Housing	90,424
Affordable Housing Advocate.....	73,035
Division Administrator, Insurance	120,564
Deputy Division Administrator, Insurance (each).....	100,858
Deputy Division Administrator, Insurance, Captive Insurers	98,539
Lead Actuary, Insurance (each).....	129,889
Lead Insurance Counsel/Hearing Officer	110,132
Insurance Counsel/Hearing Officer (each).....	100,858
Division Administrator, Taxicab Authority	117,699
Attorney, Taxicab Authority	98,539
Division Administrator, Transportation Authority	117,699
Chief Transportation Inspector.....	96,001
Commissioner, Transportation Authority (each).....	110,362



Title or Position	Annual Salary
Financial Analyst (each).....	\$84,147
Manager, Transportation	91,171
Deputy Division Administrator, Transportation Authority.....	98,539
Attorney, Transportation Authority.....	98,539
Division Administrator, Mortgage Lending.....	100,858
Deputy Division Administrator, Mortgage Lending	84,048
Certified Public Accountant, Mortgage Lending	69,749
Division Administrator, Industrial Relations.....	110,711
Deputy Division Administrator, Industrial Relations (each).....	90,424
Attorney, Industrial Relations (each)	98,539
Senior Attorney, Industrial Relations	110,132
Chief Investigator	84,048
Deputy Division Administrator, Mechanical Unit.....	84,048
Deputy Division Administrator, Safety Consultation	84,048
Deputy Division Administrator, Mine Safety.....	84,048
Division Administrator, Attorney for Injured Workers.....	121,725
Deputy Attorney for Injured Workers (each).....	98,539
Senior Deputy Attorney for Injured Workers (each).....	110,132
Division Administrator, Employee- Management Relations Board	90,424
Executive Assistant, Employee-Management Relations Board	57,965
Division Administrator, Office of Labor Commissioner	100,858
Deputy Division Administrator, Office of Labor Commissioner.....	84,048
Chief Assistant, Office of Labor Commissioner	54,090
Division Administrator, Athletic Commission.....	100,858
Chief Assistant, Athletic Commission	69,557
Ombudsman of Consumer Affairs for Minorities	76,613



Title or Position	Annual Salary
21. State Department of Agriculture:	
Director, Agriculture	\$120,564
Executive Assistant	57,965
Deputy Director, Agriculture.....	110,711
State Veterinarian	112,993
Division Administrator, Food and Nutrition	100,858
Deputy Administrator, Food and Nutrition	90,424
Division Administrator, Animal Industry.....	90,424
Veterinary Diagnostician.....	92,599
Supervisor, Animal Disease Laboratory.....	99,943
Division Administrator, Consumer Equitability	100,858
Division Administrator, Plant Industry	100,858
Deputy Division Administrator, Plant Industry	90,424
Fiscal Administrator	100,858
Industry and Global Trade Coordinator	79,944
22. Commission on Mineral Resources:	
Administrator, Minerals	\$108,127
Deputy Administrator, Minerals.....	86,500
Chief for Dangerous Mines	77,798
Chief for Mine Regulation.....	77,798
Field Specialist, Minerals (each)	65,863
Program Manager, Oil, Gas and Geothermal	99,560
23. Department of Tourism and Cultural Affairs:	
Director, Tourism and Cultural Affairs	\$120,564
Chief Deputy, Administration	100,858
Administrator, Nevada Arts Council.....	100,858
Executive Assistant	57,965
Public Information Officer	82,391
Deputy Director, Sales and Industry Partners	79,944
Deputy Director, Marketing and Advertising.....	79,944
Development Specialist II, Tourism (each).....	79,944
Development Specialist, Tourism (each)	75,061
Project Analyst II (each).....	67,140
Project Analyst	57,582
Development Specialist, Nevada Magazine (each).....	66,492
Editor Publisher, Nevada Magazine	90,828
Managing Editor, Publications	69,819
Production Manager	56,280



Title or Position	Annual Salary
Art Director (each)	\$59,466
Advertising Sales Representative	61,000
Operations and Finance Manager	87,433
Public Relations Specialist	75,062
Division Administrator, Museums and History	100,858
Executive Director, Nevada Indian Commission	73,035
24. Nevada Gaming Control Board:	
Chair, Gaming Control Board	\$154,251
Member, Gaming Control Board (each)	143,426
Executive Assistant	60,804
Chief, Investigation	110,103
Chief, Enforcement	110,103
Chief, Audit	110,103
Chief, Tax and License	110,103
Chief, Administration	110,103
Chief Deputy, Administration	100,094
Executive Secretary, Gaming Control Board	100,094
Manager, Electronics Lab	107,523
Chief, Technology	117,609
Senior Lab Engineer (each)	102,402
Electronic Lab Engineer (each)	97,526
Coordinator, Applicant Services	97,365
Chief Deputy, Enforcement (each)	100,094
Information Technology Manager	107,273
Senior Network Specialist	91,950
Network Specialist II (each)	84,693
Network Specialist I (each)	76,690
Systems Administrator	90,678
System Manager	100,933
Programming Manager	100,933
Programming Supervisor	95,110
Chief Deputy, Audit (each)	100,094
Chief Deputy, Investigations (each)	100,094
Chief Deputy, Tax and License	100,094
Hearings Officer (each)	96,419
Information Management Coordinator	86,629
Financial Officer	86,629
Supervisor, Investigations (each)	90,993
Supervisor, Enforcement (each)	90,993



Title or Position	Annual Salary
Supervisor, Audit (each).....	\$90,993
Supervisor, Tax and License (each)	90,993
Supervisor (each).....	90,993
Human Resources Manager.....	97,365
Senior Agent, Technology (each).....	78,784
Senior Agent, Investigations (each)	78,784
Senior Agent, Audit (each).....	78,784
Senior Agent, Tax and License (each)	78,784
Senior Research Specialist (each)	96,384
Senior Agent, Enforcement (each)	78,784
Agent, Audit (each).....	71,622
Agent, Investigations (each).....	71,622
Agent, Enforcement (each).....	71,622
Agent, Tax and License (each).....	71,622
Electronics Technician (each)	63,824
Senior Application Developer (each)	85,387
Special Agent (each)	82,722
Special Agent, Audit (each)	82,722
25. Public Utilities Commission of Nevada:	
Executive Director.....	\$120,564
Chair	128,680
Public Utilities Commissioner (each).....	120,564
Executive Assistant (each)	57,965
Senior Financial Analyst	88,354
Financial Analyst (each).....	84,147
Chief Attorney (each).....	121,725
Senior Attorney (each)	110,132
Supervisor, Consumer Complaint Resolution	84,048
Manager, Safety and Quality Assurance	100,858
Manager, Systems Operation.....	94,730
Public Education and Statistical Analysis	
Officer (each)	69,557
Administrative Attorney (each).....	73,035
Manager, Resource and Market Analysis.....	100,858
Engineer, Water	96,001
Engineer, Electric (each)	94,078
Senior Gas Pipeline Engineer.....	96,001
Engineer, Gas Pipeline (each)	87,548
Senior Engineering Analyst.....	87,548
Manager, Policy Analysis.....	100,858
Director, Regulatory Operations	120,564



Title or Position	Annual Salary
Manager, Consumer Complaint Resolution	\$100,858
Senior Analyst	75,405
Rural Consumer Representative	68,033
Manager, Tariffs and Compliance	100,858
Commission Secretary	100,858
Assistant Commission Secretary	90,424
Senior Regulatory Economist	94,830
Regulatory Economist (each)	90,315
Commission Policy Advisory (each)	96,001
Senior Utility Analyst (each)	75,405
Resource Planning Engineer	87,548
Legal Case Manager	73,035
26. Department of Motor Vehicles:	
Director	\$131,578
Deputy Director, Motor Vehicles	127,521
Executive Assistant	57,965
Division Administrator, DMV Motor Carrier	100,858
Division Administrator, DMV Management Services	100,858
Division Administrator, DMV Automation	110,711
Division Administrator, DMV Field Services	110,711
Deputy Administrator, DMV Field Services	100,858
Division Administrator, DMV Compliance Enforcement	110,711
Deputy Administrator, Compliance Enforcement (each)	100,858
Division Administrator, DMV Central Services	100,858
Division Administrator, DMV Administrative Services	100,858
Chief Administrative Law Judge, DMV (licensed attorney)	121,725
Chief Administrative Law Judge, DMV (other than licensed attorney)	110,132
DMV Administrative Law Judge (licensed attorney) (each)	110,132
DMV Administrative Law Judge (other than licensed attorney) (each)	98,539
27. Department of Public Safety:	
Director	\$131,578
Deputy Director, Public Safety	127,521



Title or Position	Annual Salary
Executive Assistant	\$57,965
Division Administrator, Parole and Probation	127,521
Chair, State Board of Parole Commissioners	110,711
Parole Board Member (each).....	90,424
Executive Assistant, Parole Board	57,965
Division Administrator, General Services.....	115,667
Division Administrator, State Fire Marshal	110,711
Division Administrator, Capitol Police	100,858
Division Administrator, Investigations	120,564
Division Administrator, Highway Safety Planning and Administration.....	84,048
Division Administrator, Cyber Security	107,465
Chief, Nevada Highway Patrol.....	127,521
Lieutenant Colonel, Nevada Highway Patrol.....	127,521
Division Administrator, Homeland Security	120,564
Analyst Supervisor / NAIC Manager	76,331
28. Department of Corrections:	
Director.....	\$131,578
Executive Assistant	57,965
Medical Director.....	197,159
Mental Health Director.....	110,711
Deputy Director, Operations, Northern Region	120,564
Deputy Director, Industrial Programs	120,564
Deputy Director, Operations, Southern Region	120,564
Deputy Director, Support Services.....	120,564
29. Peace Officers' Standards and Training Commission:	
Director.....	\$100,858
Deputy Director	90,424
Executive Assistant	57,965
Bureau Chief (each).....	79,606
Training Specialist (each).....	72,663
30. State Department of Conservation and Natural Resources:	
Director.....	\$131,578
Deputy Director (each).....	110,711
Executive Assistant	57,965
Division Administrator, Environmental Protection	127,521
Division Administrator, Water Resources.....	127,521
Division Administrator, Forestry.....	110,711



Title or Position	Annual Salary
Division Administrator, State Parks	\$110,711
Division Administrator, State Lands	100,858
District Supervisor, Water Commissioner, Water Resources.....	73,035
Administrator, Natural Heritage	84,048
Administrator, Historic Preservation.....	100,858
31. Department of Wildlife:	
Director.....	\$120,564
Deputy Director (each)	110,711
Executive Assistant	57,965
Chief Game Warden	100,858
Division Administrator, Conservation Education.....	90,424
Division Administrator, Fisheries Management	90,424
Division Administrator, Game Management.....	90,424
Division Administrator, Habitat	90,424
Division Administrator, Wildlife Administration.....	90,424
Division Administrator, Wildlife Diversity	90,424
32. Department of Transportation:	
Director.....	\$131,578
Deputy Director (each)	128,680
Executive Assistant	57,965
Assistant Director, Administrative Services.....	110,711
Assistant Director, Planning and Program Development	110,711
Assistant Director, Engineering.....	127,521
Assistant Director, Operations.....	127,521
Hearings Officer	73,035
Communications Director	90,424
Administrator of External Civil Rights	100,858
Chief Pilot.....	98,539
Pilot III (each)	90,424
Pilot II.....	84,048
33. Colorado River Commission of Nevada:	
Director.....	\$135,807
Deputy Director	129,125
Energy Services Manager.....	129,125
Division Head, Water	123,052
Administrative Services Officer	123,052



Title or Position	Annual Salary
Office Manager.....	\$67,637
Senior Energy Accountant (each).....	92,231
Natural Resource Specialist (each).....	106,990
Environmental Program Manager	110,678
Network Administrator.....	79,934
Power Supply Manager	113,516
Assistant Director Engineering and Operations	122,977
Assistant Director Energy Information Systems	110,678
Power Facilities Manager	110,678
Power Facilities Communication Technician (each).....	86,084
Senior Power Facilities Electrician (each).....	86,084
Senior Power Facilities Engineer	106,422
Power Facilities Electrician.....	79,934
Hydropower Program Manager	116,829
Assistant Hydropower Program Manager	104,531
Manager, Power Planner	110,132
Power Supply Planner	110,711
Assistant Power Supply Planner.....	96,000
Manager, Power Accounting.....	110,132
Energy Accountant.....	81,150
34. Public Employees' Benefits Program:	
Executive Officer	\$127,521
Executive Assistant	57,965
Quality Control Officer	98,539
Operations Officer.....	108,393
Chief Financial Officer.....	98,539
Chief Information Officer.....	103,226
Financial Analyst.....	82,889
35. Department of Veterans Services:	
Director, Veterans Services	\$98,539
Deputy Director, Programs and Services	84,048
Deputy Director, Health and Wellness	84,048
Executive Assistant	57,965
Administrator, Veterans Home.....	110,711
36. Office of the Military:	
Adjutant General	\$120,564
Nevada National Guard Officer – SAD (each).....	147,552



Title or Position	Annual Salary
Nevada National Guard Warrant Officer – SAD (each).....	\$100,860
Nevada National Guard Enlisted – SAD (each).....	89,647
37. Medical and Related Positions:	
Senior Physician (Range C) (each).....	\$160,324
Senior Psychiatrist (Range C) (each)	182,244
Senior Institutional Dentist (Range B) (each)	142,637
Pharmacist 3	124,109
Pharmacist 2 (each)	112,825
Pharmacist 1 (each)	102,570

➔ A Senior Psychiatrist (Range C) is a psychiatrist certified by the American Board of Psychiatry and Neurology, Inc.

Sec. 2. 1. If any unclassified position is omitted from this act for Fiscal Year 2017-2018 or Fiscal Year 2018-2019, the Division of Human Resource Management of the Department of Administration shall examine the duties and responsibilities of the position and submit to the Interim Finance Committee a list of those duties and responsibilities and a recommended salary for the position. The Interim Finance Committee shall review the duties and responsibilities of the position and establish the salary for the position.

2. If the Fiscal Analysis Division of the Legislative Counsel Bureau determines that the title or maximum salary for a position set forth in section 1 of this act contains a typographical or other error that misrepresents the maximum salary intended to be set forth in section 1 of this act, the Interim Finance Committee may review the duties and responsibilities of the position and establish the appropriate title and maximum salary for the position pursuant to the intent of the 79th Session of the Nevada Legislature.

3. An employee occupying a position that is currently in the classified service that is moved into the unclassified service pursuant to this act has the option to remain in the classified service at his or her current grade, with all rights afforded classified employees, or move into the unclassified service. If the employee chooses to move into the unclassified service, the employee cannot at a later date choose to return to the classified service while occupying this position.

4. Once an employee vacates the position moved into the unclassified service pursuant to this act, the employee who is the replacement in the position will be in the unclassified service.



5. If the salary for a position that is currently in the classified service or nonclassified service and that is moved into the unclassified service is reduced pursuant to this act, the salary for the employee currently serving in the position will be retained at its current level. Once the employee serving in the position vacates the position, the unclassified salary is established at the level in section 1 of this act.

6. If the salary for an employee occupying a position in the unclassified service on June 30, 2017, is more than the maximum salary for that position as set forth in section 1 of this act, the salary for that employee must be retained at the level in effect on June 30, 2017. Once an employee vacates a position for which the previous salary is retained pursuant to this section, the maximum salary for that position must be reduced to the amount set forth in section 1 of this act.

Sec. 3. The approximate maximum salaries as set forth in section 1 of this act must be increased by 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners for reimbursement to any department, commission or agency of the State of Nevada, including the Judicial Department of the State Government, which receives part or all of its funding from the State General Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of this act and the amount budgeted for that purpose and to provide salary increases as provided in section 3 of this act:

For the Fiscal Year 2017-2018	\$873,081
For the Fiscal Year 2018-2019	\$1,764,234

2. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for reimbursement to a state agency, which receives part or all of its funding from the State Highway Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of this act and the amount budgeted for that purpose and to provide salary increases as provided in section 3 of this act:

For the Fiscal Year 2017-2018	\$46,922
For the Fiscal Year 2018-2019	\$94,803

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse from the appropriate fund to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money



otherwise appropriated or available, equal the amount of money required to pay the salaries of the unclassified employees of the respective departments, commissions and agencies under the adjusted pay plan.

Sec. 5. 1. Except as otherwise provided in this act, to effect increases in salaries of approximately 2 percent, effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$7,766,687 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$16,170,061, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified and nonclassified personnel of those departments, commissions and agencies, including the Judicial Department of the State Government, necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to pay the salaries of the classified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 6. 1. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State Highway Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$1,312,920 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$2,727,741, for the purpose of meeting any deficiencies which may exist between the appropriated money of the



Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the salaries of the classified employees of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 7. 1. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$1,752,986 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$3,622,260, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified personnel of the Nevada System of Higher Education necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. To effect increases in salaries of approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$7,671,833 and for



the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$15,700,343, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for increasing the salaries of those professional employees of the Nevada System of Higher Education whose positions are included in the Executive Budget as approved by the 79th Session of the Nevada Legislature, to become effective on July 1, 2017.

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Nevada System of Higher Education out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated are limits and equal the amount of money available to pay the salaries of the classified and professional employees of the Nevada System of Higher Education under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 8. The salaries of the employees of the Legislative Counsel Bureau and of interim legislative operations shall be increased by approximately 2 percent effective on July 1, 2017, and 2 percent effective on July 1, 2018. Any deficiencies which may be created between the money appropriated to the Legislative Fund as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the personnel of the Legislative Counsel Bureau necessary under an adjusted pay plan to become effective on July 1, 2017, must be covered through expenditures from the balance in the Legislative Fund.

Sec. 9. The Department of Health and Human Services and the Department of Corrections may adopt a plan to authorize additional payments of up to \$60 for a specified period on a weeknight and of up to \$100 for a specified period on a weekend day for unclassified employees, who are Senior Psychiatrists, Senior Physicians or Pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric treatment facilities and correctional facilities and institutions. On-call responsibilities for Senior Psychiatrists and Senior Physicians include, without limitation, attending to clinical emergencies, evaluation of patients subject to seclusion and restraint



and completing rounds during weekends. On-call responsibilities for Pharmacists include, without limitation, consultation with medical personnel and first dosage reviews.

Sec. 10. The Nevada Gaming Control Board may adopt a plan to authorize additional payments of up to \$5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law in the State of Nevada or any other state, or are in a qualifying position as an electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering or computer science and utilize, in the opinion of the Board, the skills evidenced by these qualifications to further enhance the performance of their job duties and responsibilities.

Sec. 11. Any remaining balance of an appropriation made by sections 4 to 8, inclusive, of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 20, 2019.

Sec. 12. 1. Money in subsection 1 of section 4 of this act and section 5 of this act may be transferred between those sections to finance the 2 percent salary increase authorized on July 1, 2017, and the 2 percent salary increase authorized on July 1, 2018.

2. Money in subsection 2 of section 4 of this act and section 6 of this act may be transferred between those sections to finance the 2 percent salary increase authorized on July 1, 2017, and the 2 percent salary increase authorized on July 1, 2018.

3. When determining the allocations of the money appropriated in sections 4 to 7, inclusive, of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.



Sec. 13. 1. To effect the State of Nevada's share of the increases of salary of approximately 2 percent effective July 1, 2017, and 2 percent effective on July 1, 2018, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than \$12,144 for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, and the sum of not more than \$24,530 for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2 for 1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.

Sec. 14. 1. Except as otherwise provided in this act, to effect salary increases effective January 7, 2019, in accordance with the provisions of NRS 223.050 for the Governor, NRS 224.050 for the Lieutenant Governor, NRS 225.050 for the Secretary of State, NRS 226.090 for the State Treasurer, NRS 227.060 for the State Controller and NRS 228.070 for the Attorney General, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of \$15,228 for the fiscal year beginning July 1, 2018, and ending on June 30, 2019.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the various agencies of the State of Nevada out of the money appropriated by this section such sums of money required to pay the salaries of the elected officials set forth in subsection 1.



Sec. 15. The sums appropriated for the support of the salaries for the Assistant Attorney General in the Office of the Attorney General, Chief of Staff in the Office of the Attorney General, Chief Clerk of the Nevada Supreme Court, General Counsel of the Commission on Judicial Discipline, Chairman of the Nevada Gaming Control Board, a member of the Nevada Gaming Control Board and an officer of the Nevada National Guard must be applied pursuant to the budget approved by the Legislature notwithstanding the provisions of NRS 281.123.

Sec. 16. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, ~~two~~ **three** Deputy Directors, a Chief Engineer and the following divisions:

- (a) Administrative Division.
- (b) Operations Division.
- (c) Engineering Division.
- (d) Planning Division.

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 17. NRS 612.230 is hereby amended to read as follows:

612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the post of Administrator ~~and~~ **and Senior Attorney**, from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.

2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.

3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance



with such established personnel practices as will tend to promote the morale and welfare of the organization.

4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.

Sec. 18. This act becomes effective on July 1, 2017.

